

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 28, 2024 – 7:30 PM

Fire Department Emergency Services Building
25 Quassuk Road, Woodbury, CT 06798

MEMBERS PRESENT

Mary Tyrrell, Chair
Marty Newell, Vice Chair
Kyle Turoczi, Secretary
Don Richards
Earl Gillette, Alternate
Timothy Pabst, Alternate

MEMBERS ABSENT

Michael McAloon, Alternate
Ernest Werner

NOTED OTHERS PRESENT – Planner Agresta, Zachary Lessard, Rodrigo Cardoso, Carol Bacon, Stuart & Karin Adams, Steven & Linda Casper

OPENING OF MEETING

Call to Order – The meeting commenced at 7:35 p.m.

Seating of Members / Alternates – Seated for the meeting were members Newell, Richards, Turoczi, Tyrrell and Alternate Gillette.

Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)

SHOW CAUSE HEARING

24-ENF-IW02 – 83 Park Road / Map 103, Lot 36A / OS-60 District / Zachary Lessard / Unauthorized tree removal, timber storage, equipment/business storage, active accessways through regulated areas and land/ground disturbance within wetland/watercourse.

A map was referenced and shared with the Agency showing the activities of concern in relation to the wetlands and regulated areas on the property.

Planner Agresta inspected the site, shared photos and summarized his findings with the Agency. It was noted that the concentration of activity was along Park Lane. The property was described. The location of the most recent pool permit approval was shown. A garage with a Wetlands and Zoning Home Based Business permit had been issued several years ago. These approvals limited what activities could occur and where. Tree clearing and disturbance were observed occurring around that building, mostly on the north end. Equipment and paths were noted where vehicles were going through the vegetation on the property. Planner Agresta noted he did not go down the driveway. He understood from others that there were woodchips brought in and disposed of over the slope towards the wetlands at another portion of the property. Planner Agresta noted that there has clearly been a lot of logging and tree removal that has occurred. Photos were shown to the Agency showing fresh cut stumps, log piles, older stumps, and a streambed located a few feet from the road flowing toward the property. The

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

wetlands delineation was questioned. Equipment, machinery and storage of items within the regulated areas were noted and shown.

Zachary Lessard, property owner, was present for the hearing. Mr. Lessard noted that back in April a large tree fell on his storage building effectively cutting the building in half. He described that 30-40% of the building is a basketball court for his kids and this was of great concern to him. Photos of the tree through the building, along with several other photos of trees that have fallen on the property were shared with the Agency. Mr. Lessard indicated that after this incident in April, he and a friend cut several threatening trees down. The disturbance in the wetlands was him trying to remove the trees. He had permission from a neighbor to store logs on his property. They also cut a few trees down on his neighbor's property.

Chair. Tyrrell noted that all of this could have been avoided if he had come before the Agency. He has taken out permits and knows the procedure. Chair. Tyrrell questioned if the trees had started coming down prior to the pool permitting. It was confirmed that the tree fell on the storage barn in early April of this year.

It was clarified that Park Lane is not a Town owned road. The size of the log pile was questioned, seemingly a lot of trees had been cut down. Alternate Pabst indicated that it would be dependent on how tall the trees were. The trees that were taken down were between 120-139 ft. tall. 15 trees were taken down on Mr. Lessard's property and 5 were taken down on the neighbor's property. The accessory structure was built in 2018 and Mr. Lessard was aware of the wetlands on the property.

Mr. Lessard stated he is done with cutting down the trees. Chair. Tyrrell questioned his plan and how he will restore and take care of the areas where the work was done. The disturbance in the wetlands areas was from his trying to pull the logs out as opposed to cutting them and leaving them in place. He questioned if he should clean up the trees, logs and branches and remove them or let them stay as they fell. Mr. Lessard should let the Agency know what he wants to do, what his final plans are and how it will be restored and restabilized. A remediation plan needs to be provided for the Agency's review.

A site walk was scheduled for Sunday, June 9, 2024, at 9:00 AM. Members to meet on Park Lane.

Planner Agresta suggested that the remediation plan go back and look at the Wetlands and Zoning approvals and bring it back to what those approvals allowed. Maps should indicate the areas where trees were removed and where new trees/plants will be planted including species and quantities.

Mr. Lessard indicated that a lot of the stuff seen outside is typically inside the barn but because the barn was damaged it is outside temporarily. The status of the pool was confirmed, blasting has been completed but no further progress has been made.

Rodrigo Cardoso, 81 Park Road – Mr. Cardoso is an immediate neighbor. He noted business activity noise and equipment concerns. Chair. Tyrrell indicated the Agency can only address anything associated with impacts to the wetlands, not necessarily the business activity. Issues of dumping woodchips in the wetlands area was also noted.

Carol Bacon, 68 Park Road – Ms. Bacon questioned if the Wetlands Agency and the Zoning Commission worked together. These boards do coordinate but have independent roles. The Zoning Commission incorporates the Wetlands Approvals when appropriate.

Mr. Lessard questioned if he needed to wait to remove the log piles. The piles on the neighbor's property can be removed. The Agency also agreed that the piles near the road can also be removed, but no further work should be done.

The Agency will have a site visit, plans for remediation will be worked on for the next time so they can be reviewed and discussed.

MOTION:

To affirm 24-ENF-IW02 (83 Park Road / Map 103, Lot 36A / OS-60 District / Zachary Lessard / Unauthorized tree removal, timber storage, equipment/business storage, active accessways through regulated areas and land/ground disturbance within wetland/watercourse) in accordance with Section 14 of the Inland Wetlands and Watercourses Regulations, and following a show cause hearing, the Cease and Desist Order dated May 20, 2024, as issued by the Land Use Enforcement Officer, remains in effect, and requires timely submission of remediation plan.

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

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

Aye	Gillette, Newell, Richards, Turoczi, Tyrrell
Nay	None
Abstain	None

Chair. Tyrrell explained the process for the hearing.

PRE-APPLICATION

10 Transylvania Road / Map 36, Lot 5 / R-40 District / Streambank Erosion

Stuart and Karin Adams were present for the discussion. The Adams live in close proximity to Hesseky Meadow Brook and have concerns over significant erosion on the property. The house is approximately 10 ft. to the erosion. Photos and a plot plan of the brook area provided by the Adams were reviewed by the Agency. The Adams have consulted with both the PRWC and NRCS looking for guidance as to how to handle the erosion. Both entities have stated that hard engineering is the way to go for this situation. The Adams described how the stream has changed dramatically over their 40+ years living on the property. They have lost about 5-6 ft. of the riverbank. An island, where the river forks and comes back together was described to be about 70 ft. and has been there at least 40 years, it has not grown but it has been covered during some recent storms. Mr. Adams noted that large logs, rotted trees that have snapped off and some with root balls have traveled down the river and are now piling up. They are looking for support and guidance from the Agency to resolve the erosion issues affecting their property and are aware that an engineer or a certified landscape architect may be needed to assist with the plans. The plans should include specifics on what they are doing, the amount of materials to be deposited, where the material is coming from, staging and stockpiling plans, type of equipment to be used during the project, etc. It was clarified that hard engineering still needs to include how it is going to get done, how big are the rocks, how high, how it will be stabilized and then a landscaping plan for plants to be included to grow roots and hold down and stabilize the area.

A site walk was scheduled for Sunday, June 9th around 10 AM (immediately following the previously scheduled walk).

PENDING APPLICATIONS / DELIBERATIONS (as deemed ready)

24-IW-0015 – 61 West Side Road / Map 36, Lot 24-1 / RA-40 District / Jean-Claude De Somma (owner/applicant) / Jurisdictional Ruling – Permitted Use as of Right Section 4.1a: Establishment of an organic “farm” on the premises by converting two (2) plus acres of lawn to grow food for wholesale, no retail on premises.

It was noted that a site walk was held. Members walked the properties with the owner. There were concerns and questions about the pond construction. The applicant was not present for the discussion as such this item was tabled until the next meeting.

24-IW-0016 – 72 Nonnewaug Road / Map 14, Lot 31 / OS-100 District / Steven L. and Linda Casper (owner/applicant) / Within regulated upland review area: Install rear deck on hand dug piers.

Mr. & Mrs. Casper were present for the discussion. Members had no additional questions and reviewed a draft motion.

MOTION:

To approve 24-IW-0016 (72 Nonnewaug Road / Map 14, Lot 31 / OS-100 District / Steven L. and Linda Casper (owner/applicant) / Within regulated upland review area: Install rear deck on hand dug piers).

Made by **NEWELL**, Seconded by **TUROCZI**

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

Aye Gillette, Newell, Richards, Turoczi, Tyrrell

Nay None

Abstain None

ENFORCEMENT & WETLANDS UPDATE

- **43 Hollow Road / Map 36, Lot 68A & Map 103, Lot 13 / R-40 & OS-80 Districts / Town of Woodbury**
Tree/brush removal within a regulated area (Hollow Park / Pomperaug River).
Member Turoczi noted that the plants are in. The Agency looks forward to Parks & Recreation's follow up.
- **184 Quassuk Road / Map 92, Lot 51-1 / OS-60 District / Elizabeth Willoughby / Tree/brush removal and deposit within a regulated area.**
The LUEO noted that Ms. Willoughby has been in touch and is working on putting together a plan for the next meeting.
- **23-ENF-IW05 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett / Unauthorized driveway installation.**
No new updates.
- **23-ENF-IW06 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba / Unauthorized driveway installation.**
No new updates.
- **23-ENF-0002 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco**
No new updates.
- **18-IW-1621 – 614 Main Street South / Map 102, Lot 25 / MQ District / Napoli Woodbury LLC**
IWWA Review of Constructed Site Conditions / Bond Status – Dollar General.
No new updates.

39 Quanopaug Trail / Foger – The Spring 2024 Remediation Monitoring Report was received and reviewed by the Agency. A site walk was scheduled for Sunday, June 23, 2024, at 9:00 AM.

ADMINISTRATIVE

Regular Meeting Minutes – 05/13/24

MOTION:

To approve the May 13, 2024, Regular Meeting Minutes as written.

Made by **NEWELL**, Seconded by **GILLETTE**

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

Aye	Gillette, Newell, Richards, Turoczi, Tyrrell
Nay	None
Abstain	None

Regulation Review

Members reviewed changes to Section 2 provided by Planner Agresta. Definitions and Applicability will be in the beginning of the regulations to gain immediate attention. Examples of "Agent Approvals" from other towns were provided to the Agency for review. In addition, Planner Agresta provided specifics for such Agent Approvals. Members will review the information for the next meeting.

Member Richards left the meeting at 8:55 PM and Alternate Pabst was seated.

CORRESPONDENCE – A letter from Rodrigo Cardoso of 81 Park Road was read for the record.

PRIVILEGE OF THE FLOOR - None

ADJOURNMENT

MOTION:

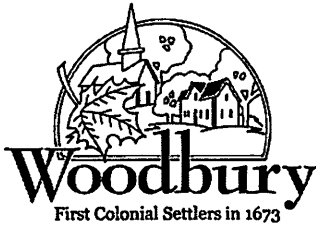
To adjourn the meeting at 9:00 p.m.
Made by NEWELL with no objections.

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

RECEIVED & FILED
IN WOODBURY, CT

This 30th day of May 2024
at 4:00 o'clock PM

Maria M. Marini
Town Clerk



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

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

WETLANDS / WATERCOURSES PERMIT APPROVAL

72 NONNEWAUG ROAD– 24-IW-0016

Residential Accessory Deck

Steven L. and Linda Casper (applicant/owner)

Date of Approval May 28, 2024

Permit Expiration* May 28, 2026

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

Applicant **Steven L. and Linda Casper**
Owner **Steven L. and Linda Casper**
Application **24-IW-0016**
Project **Install accessory deck to rear of existing house within a regulated upland review area.**
Address **72 Nonnewaug Road, Assessor Map 14, Lot 31**
Site Acreage **3.96 acres**
Zone **OS-100 District**

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application **24-IW-0016** as submitted by the applicant/owner listed above in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury (“IWWA Regulations”) seeking a Wetlands/Watercourses Permit (“Permit”) to implement the “project” as described above; and

WHEREAS application materials received include the following:

- Application for Inland Wetlands Agency Permit
- GIS Map (Proposed Deck Location)
- FEMA LOMR, April 2, 2001; and

WHEREAS on April 2, 2001, the Federal Emergency Management Agency (FEMA) approved a revision (Letter of Map Revision or LOMR) to the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) to reflect updated hydraulic information along the Nonnewaug River, revising the limits of 100-year floodplain affecting the subject premises and several other adjacent lots thereby removing a substantial portion of the subject property from the regulated floodplain (the deck is located well outside the revised floodplain limits); and

WHEREAS the following mitigation measures are proposed:

- The proposed deck is sited at the house in an area presently developed and previously disturbed;
- No direct impacts to site wetlands/watercourses are proposed or needed, activity is limited to upland review area;
- Construction of the deck does not require heavy machinery, supports for the deck will be hand dug with minimal disturbance to the site;

NOW THEREFORE BE IT RESOLVED upon careful consideration of the information received, the Agency, in accordance with §11.3 of the IWWA 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 IWWA Regulations following deliberations hereby approves application 24-IW-0016 as described above, subject to 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** – No work shall be authorized to commence absent securing all required approvals. Other required approvals shall be separately obtained by the applicant and copies thereof shall be provided to the Agency office for inclusion in the permit record file, including but not limited to:
 - **Housatonic Valley Health District**
 - **Woodbury Administrative Zoning, Driveway and/or Building Permits**

B. Conditions During Construction

1. Prior to commencement of any site 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 Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and promptly notified as to any 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 a new or modified permit approval can be identified.
3. The following shall be followed in relation to the project:
 - No ground disturbance beyond that shown on the final approved plans is needed or authorized; and no tree removal is involved or authorized with this approval.
 - Ground disturbance shall be contained and maintained to the minimum necessary to complete the authorized improvements.
 - Deck footings shall be hand dug and excess spoils shall be spread and fine graded under the deck.
 - All storage and staging of materials shall be in the vicinity of the driveway.
 - The septic system tank and fields shall be avoided and protected as necessary.
 - Erosion and sedimentation controls shall be installed and maintained, and additional controls may be required at the direction of the Land Use Office if deemed necessary.
4. Construction vehicles/equipment not in use shall not be stored, and at no time shall such be washed out, within a regulated upland review 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.
5. Construction stockpiles and staging shall be outside the regulated 100-foot upland review area. The site shall be kept clean of all loose debris, litter, and similar materials to prevent such from entering wetlands or watercourses. Silt fencing and other site erosion and sedimentation controls shall be regularly maintained and any silt build-up along the fence line shall be promptly removed and placed as acceptable fill in areas outside of regulated area and where such will not allow the material to migrate.
6. Disturbed soils shall be stabilized in a timely fashion, particularly to avoid/minimize erosion impacts.
7. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of wetlands/watercourses or regulated 100-foot upland review areas. 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.

B. 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 of the approved regulated activities, subject to the following:
 - Submission of an As-Built Plan detailing the completed improvements in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final plans.
 - Verification of placement and size of approved accessory deck.
 - Verification 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.

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 IWWA Regulations. 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 Site Plans. The Agency may grant one (1) or more extensions of time to complete same, not to exceed that as may be permitted. 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 **NEWELL**, Seconded by **RICHARDS**

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

Aye	Tyrrell, Newell, Turoczi, Richards, Gillette
Nay	None
Abstain	None