



Town of Woodbury

Inland Wetlands and Watercourses Agency

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

MINUTES – MAY 9, 2022

REGULAR MEETING

7:00 PM – Senior Community Center, 265 Main Street South, Woodbury, CT 06798

Phone-In Option (203) 847-9302 – Pin 134679#

MEMBERS PRESENT

Mary Tyrrell
Wes Clow
Marty Newall
Kyle Turoczi
Don Richards
Earl Gillette
Michael McAloon

MEMBERS ABSENT

Ernest Werner

NOTED OTHERS PRESENT

Town Planner Agresta, applicants and applicant representatives.

OPENING OF MEETING

- **Call to Order**
Chairman Tyrrell convened the regular meeting at 7:00 pm.
- **Seating of Members / Alternates**
Seated for the meeting were regular members Tyrrell, Clow, Turoczi, Newall and Alternate Richards.
- **Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)**
Chairman Tyrrell reminded the Commission of Conflict of Interest; no member expressed a conflict with any matter on the agenda.

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

PUBLIC HEARINGS

- **22-IW-0003 / 97 Park Road / Map 88, Lot 5 / Park Road Quarry / O&G Industries, Inc.**
Expansion of existing basalt quarry operations to remove approximately 50,000 CY of material approximately 65 to 70 feet deep in south-central portion of property affecting 0.55 acres of regulated wetlands.

The Chair reconvened the Public Hearing. Presenting for the applicant was Ken Faroni. Mr. Faroni summarized the results of the prior hearing meeting and reviewed for the Agency the revisions made to the plan in response to their prior questions. In doing so, he noted that eventually the existing water diversion permit would go away with the completion of quarry activity.

Mr. Faroni briefly discussed how future use of the property might be limited for uses due to the level of site disturbance and lack of suitable septic. It was estimated that the quarry had less than 10 years (maybe 5-7 years) of life left but that would be affected by area economy conditions. Potential reclamation uses might include industrial storage warehousing, solar array facilities, ballfields or other passive recreation use. There will be approximately 30 to 35 acres of flat useable floor of the quarry within the approximately 97-acre site.

The Agency asked about the use of an Impermeable core for the proposed berm within the wetland. Mr. Faroni described the phased construction of the berm:

- Phase 1 – Construction of berm
- Phase 2 – Rock excavation
- Phase 3 – Backfill against rock face

Chair Tyrrell questioned that migration for the wetland loss needed to be outlined and ensured to gain approval. Commissioner Clow asked about the condition of the basalt rock, to which it was noted the formation was very uniform.

It was noted that the proposed berm in the wetlands was approximately 100 feet to 400 feet to the vernal pool within the affected wetlands. Mr. Faroni summarized the section details on the plans. Plans for wetland mitigation include a wetland buffer planting of 400 trees with a 3-year monitoring period to replace dead trees. Also, once the front ridge is taken down as the last excavation of the quarry, a wetland mitigation area of approximately 4.4 acres would be proposed, with a water feature about 18 feet deep to 1-2 feet deep shallow habitat. This area would be approximately three times the area of currently proposed wetland disturbance (loss). This mitigation is just a concept and would still need to be designed in detail. O&G would also need to come back for approval of the excavation of the area. Agency members asked if water would be cut off to the wetlands and vernal pool. Wetland hydrology was believed to be both surface and ground water. Mr. Faroni noted the area of watershed loss is small and that the quarry is already next to the wetlands for several years with no identified impact. An additional mitigation measure proposed was a conservation easement around the southern end of wetlands covering approximately 11 acres.

Agency member Richards noted the water source was that of an artesian water source from underneath (a perched water table) to which Mr. Faroni generally concurred but also noted that surface water is contributing to the wetland hydrology and further noted the wetlands have never dried up. Agency member Richards asked if the new wetland mitigation area could be shifted east leaving the ridge as a Plan B. In response, that could be assessed or the two areas could be merged.

The Agency requested the following additional information:

- Assessment of the amount of area within 500 feet of the vernal pool that is presently disturbed, as well as the amount proposed to be added to disturbance.
- Chair Tyrrell questioned the extent of information/details from Fuss & O'Neal and expected the information to be more detailed, particularly relative to the vernal pool and water flow pre and post.
- Chair Tyrrell questioned the remaining shelf at the entrance as being very small – lacking protection to wetlands and ancillary impacts noise and wondered if it might remain. In response it was noted that the ridge comes down last – vegetation between it and the road is to remain as a buffer and screen, particularly during leaf-in season. The current only view of the quarry is at the small entrance opening. Ultimately the floor of the quarry would be reclaimed as industrial development or some other use such as passive recreation.
- Agency member Turczi questioned what was proposed to control and stop the spread of the phragmites; how does that factor into the plan? In response, plans for removal would be incorporated with method for removal.
- Provision of Mitigation Plan summary, including an implementation schedule with timeframes for when certain things would be done or precede a step.

In recognition of needing additional time to address the questions, the applicant committed to the granting of an additional time extension to the June meeting.

PENDING APPLICATIONS

- **22-IW-0008 – 63 Mill Road / Map 010, Lot 045A-2 / OS-60 District / Jamie Rogers**
Proposed construction of one-story, three-bedroom single-family dwelling and associated lot improvements within 100-foot upland review area. *OH or D by 06/01/22*

Jamie Rogers was present and summarized the revision to the plans including a proposed earthen berm planted with evergreens. The Agency discussed various alternative arborvitae species options to reduce the loss due to deer browse. One suggestion that seemed a good selection was “Dark American” Arborvitae. The Agency also discussed the need for a two year monitoring period for the planting and berm.

- **22-IW-0009 – 56 Hazel Woods Drive / Map 054, Lot 025H-7 / Michael D’Amico**
Proposed construction of a 1,344 sf (28 ft x 48 ft) garage/workshop building with attached 480 sf (10 ft x 48 ft) covered porch, driveway expansion, drainage improvements and utility connections within 100-foot upland review area. *OH or D by 06/15/22*

Ron Wolff representing the owner summarized the site visit and summarized the plan details, noting how the wetland delineation provided was current (updated from when the lot was established by subdivision). Mr. Wolff noted the other side of the driveway outside the upland review area did not work due to setbacks and existing power lines and well.

NEW APPLICATIONS

- **22-IW-0010 – 48 Old Sherman Hill Road / Map 102, Lot 30-B / Jeff & Karen Miller**
Proposed construction of 810 sf (20 ft x 40.5 ft) house addition to rear of residence, walk-out basement and one-story above, within 100-foot upland review area.

Jeff Miller, property owner summarized the proposal, noting he was seeking approval for the construction of a small house addition measuring 20 feet x 14.5 feet (about 290 sf). He summarized the site features and the intended sequence of excavation and construction.

ENFORCEMENT & WETLANDS UPDATE

- **21-ENF-0010 – 466 Flanders Road / Map 94, Lot 16-A / Teixeira**
NV Unauthorized Installation of Driveway & Parking Area (filling, grading, tree cutting & log storage piles) within a regulated area.

The property owner presented his plans for mitigation, noting much of the fill material brought onto the property has since been removed and the area regraded. He described his plans to remove a good portion of the millings and keep all work to the west of the trees in the middle of the area disturbed. Mitigation would also include planting of shrubs along the wetlands where the existing millings would be removed.

The Agency inquired that it still needed an engineer assessment of the wetland crossings (pipe sizing, design adequacy).

The Agency discussed segmenting its review and approval of the remediation activities between the millings and crossings. Staff was directed to prepare a draft for the millings remediation for consideration at its next meeting, while the property owner provided the crossing assessment as previously requested.

The Agency amended the agenda order to move up Deliberations and Determinations

MOTION:

To amend order of agenda to take move Deliberations and Determinations ahead of Other Business.

Made by RICHARDS, Seconded by TUROCZI

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

Ayes Tyrrell, Clow, Turoczi, Richards, Gillette
Nays None
Abstain None

DELIBERATIONS and DETERMINATIONS

- **16-IW-1620 – 185 Saw Pit Hill Road / Map 52, Lots 35C & 35L / Santos**

Time Extension of Permit 16-IW-1620 Construction of gravel driveway & restoration of previously disturbed areas within 50-foot ROW (original permit expiration 12/11/21)

MOTION:

Approval of Time Extension of 1-year from date of original expiration to complete remediation and Time Extension of 2-years from date of original expiration to complete the driveway per April 25, 2022 Draft Approval Resolution, as redated and amended.

Made by CLOW, Seconded by TUROCZI

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

Ayes Tyrrell, Clow, Turoczi, Richards, Gillette
Nays None
Abstain None

- **22-IW-0008 – 63 Mill Road / Map 10, Lot 45A-2 / OS-60 District**

The Agency reviewed the draft approval and made revisions to the plan revisions to allow for final selection of the plant species to be defined on the final plans provided to the Town Planner. The Agency also discussed the need for a two-year monitoring period, restriction of parking/storing construction vehicles in the upland review area, and the posting of a two-thousand-dollar E&S Bond.

MOTION:

Approval of Application 22-IW-0008 for construction of a new single-family one-story dwelling and associated site improvements (septic, well, driveway, lot utilities) partially within a regulated wetland/watercourse 100-foot upland review area on property consisting of 4.55 acres located at 63 Mill Road per May 9, 2022 Draft Approval Resolution, as amended. Jamie Rogers, applicant/owner.

Made by CLOW, Seconded by RICHARDS

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

Ayes Tyrrell, Clow, Turoczi, Richards, Gillette
Nays None
Abstain None

The Agency resumed the original order of the agenda.

OTHER BUSINESS

- **18-IW-1813 – 45 Fox Road / Map 75, Lot 2 / Chowansky**
Request for Release of Remaining \$1,000 Bond

MOTION:

Approval of Bond Release subject to site visit confirmation and favorable report by Member Clow.

Made by RICHARDS, Seconded by TUROCZI

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

Ayes Tyrrell, Clow, Turoczi, Richards, Gillette

Nays None

Abstain None

- **18-IW-1802 – 641 Main Street South / Map 102, Lot 28 / 641 Main Street South LLC**
Request for Release of \$22,000 Landscaping and Soil & Erosion Bond

The Agency members decided that they would individually visit the site before discussing release of the bond at the next meeting. Staff was asked to email copies of the final plans to each Agency member to assist in their site visits.

MINUTES

- **April 11, 2022 Meeting Minutes**

MOTION:

To approve, as amended, meeting minutes of April 11, 2022 to note for 16-IW-1620 that mitigation extension was for 1-year and driveway construction extension was for 2-years.

Made by RICHARDS, Seconded by TUROCZI

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

Ayes Tyrrell, Clow, Turoczi, Richards, Gillette

Nays None

Abstain None

- **March 28, 2022 Meeting Minutes**

MOTION:

To approve, as drafted, meeting minutes of March 28, 2022.

Made by GILLETTE, Seconded by CLOW

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

Ayes Tyrrell, Clow, Turoczi, Richards, Gillette

Nays None

Abstain None

PRIVILEGE OF THE FLOOR

- None

CORRESPONDENCE

- None

ADJOURNMENT

The Chairman adjourned the meeting, hearing no objections, at 9:30 pm.

RECEIVED & FILED
IN WOODSBURY, CT

This 17th day of May 2022

at 8:40 o'clock A M

Maria M. Mancini
Town Clerk