



Town of Woodbury

Inland Wetlands and Watercourses Agency

281 Main Street South
Woodbury, CT 06798
203-263-3467 ▪ www.woodburyct.org

MINUTES – JUNE 13, 2022

REGULAR MEETING

7:30 PM – Senior/Community Center, 265 Main St. South, Woodbury, CT 06798

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

MEMBERS PRESENT

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

MEMBERS ABSENT

Michael McAloon
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 7:40 pm.
- **Seating of Members / Alternates**
Seated for the meeting were regular members Clow, Newell, Turoczi, Tyrrell and Alternate Gillette
- **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.

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.

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

The Public Hearing was reconvened. Megan Raymond of SLR presented for the applicant, O&G Industries. Also present were Ken Faroni, TJ Amelia and Richard Warren. They are seeking expansion of basalt mining. This is a 99-acre property. 53 acres is currently in active quarry operations. They are looking to expand rock removal to the south. They are seeking 2 acres of upland review area disturbance and .55 acres of direct wetland impact (described as Wetland #2 on the plans). This wetland area was described in detail. It has previously been disturbed. There is no surface flow, it is hydrologically isolated and has variable conditions. Some areas have inundation seasonal saturation and other areas in the .55-acre area to the north it is monochromatic, not a lot of surface conditions. It has a thin vegetative cover. The area of work was shown on the plans, as well as the area for construction of an earthen berm. Extent of grading figures were noted. Where there will be impact to a wetland area, they will try to mitigate for these alterations. For mitigation they are planning to enhance the wetlands buffer and proposing an 11-acre conservation easement along the southern portion of the wetland. This will preserve forested cover in that area of the site. Work within 500' of the area, there is about 7 acres, and they are looking to disturb about 5 acres in addition of the total of 29 acres of 500' on the site. The proposed 11-acre conservation easement takes up a good chunk of that 500' offset to the south. The mitigation proposal consists of the 11-acre conservation easement which will be completed this Fall and the buffer enhancements around it. A longer-term wetland mitigation area was discussed creating a new wetland of about 1.5 acres preceded by a stormwater management area. They are looking to mitigate for the direct disturbance and leave the site in a condition to maintain wetland function over time. A timeline was submitted for the record. Ms. Raymond discussed the suggestion of bringing the two wetland areas together determining this was not the best plan. Future conditions of the area following the work was a concern, an updated letter from Fuss and O'Neill had been submitted to address this. They are not projecting any impairment or draining of the surface condition with the proposed activities. Ms. Raymond does not anticipate any change to the hydrology based on the conditions of the site. Phragmites mitigation was discussed noting excavation was not an option and there was reluctance to use an herbicide. Potential impact may outweigh the benefits. Ms. Raymond noted an existing osprey pole on a live powerline with an active nest. There are no plans to remove the nest until any species have left (late October). Another pole will be erected elsewhere on the site. Agency members discussed the relocation of the bird. Chairman Tyrrell expressed concerns that the 500' vernal pool setback has been minimized in the discussions. Member Turoczi expressed concerns about the existing phragmites migrating to the new wetland. Portions of the wetland were described as being high quality. Eradication of the phragmites was discussed in depth as a tough process that requires continual attention and concerns with how it will be handled with the new wetland were expressed. Ms. Raymond reiterated that O&G is a willing ally in the stewardship of the resources. Members questioned what happens after five years and whether there is confidence in maintenance of the area. The new wetland will have open water, shallow marsh and will be woody around the periphery. It was confirmed that as long as O&G owns the property, they will take care of it. Ken Faroni addressed the phragmites issue. Everyone is in agreement that it is a high-quality wetland heading north along Bacon Pond Road. He reminded this is a conceptual plan and would need to come back to the Agency as an application. It is best to leave the physical buffer and the riparian vegetation as it is. He felt a plan for the phragmites should come after the conceptual plan for the wetland is approved. At that time the Agency will get a complete plan including mitigation. Member Clow indicated that the concern of the board is that there is not a plan in place for what they are taking away. Conceptual plans

have been submitted, they are going to create about 1.6 acres of wetlands (open water both deep and shallow), .55 acres is lost, they are proposing 1.86 acres of upland habitat plantings as a buffer. Mr. Faroni confirmed that they will provide a professional opinion regarding the osprey. Relocation of the pole can be a permit condition. The Agency is used to receiving a mitigation plan along with an application. O&G is looking to the future holding off in order to put the wetland in the perfect spot. Ms. Raymond reminded there is some mitigation occurring presently. Mr. Faroni noted the Fuss & O'Neill letter and that it is surface recharging not groundwater. There have been numerous years of monitoring of this area with Fuss & O'Neill. Chairman Tyrrell questioned the final wall of the quarry coming down feeling it is a better more permanent buffer. Photos were submitted of the quarry taken from Bacon Pond Road indicating an existing good vegetative buffer. A one for one replacement of the wetlands is not proposed at this time but is part of a future plan which is connected to this expansion project and can be made part of the permit conditions. Another permit condition discussed was to have O&G submit a report from a qualified wildlife biologist with regards to the best location for the osprey. Monitoring equipment will remain as long as O&G has a diversion permit as a requirement. Documentation from their explosives company was submitted to offer assurance that the probability is very high that everything will remain as is. Member Clow is still reviewing the information and has apprehensions, noting experience with various blasting projects and that issues do happen. Mr. Agresta questioned if the Army Corps had any role in the project. Ms. Raymond responded they are not involved in this project given the isolated nature of the wetland.

It was questioned if there was a need for any extension of time, O&G decided it was not necessary as there were no additional questions or information requested from the Agency to make their decision.

No one from the public spoke in favor or against the application and the public hearing was closed.

NEW APPLICATIONS

22-IW-0018 – South Pomperaug Avenue / Within Street ROW / Town of Woodbury

Replacement of culvert and bridge rendered impassible after Hurricane Ida (2021) consisting of a modular block abutment and precast deck unit bridge maintaining existing roadway geometry entirely within the Town's existing street right-of-way

Shelly Plude of SLR presented the application and plans to the Agency. The area of the failed culvert was shown on the plans and the location of the work was described. The wetlands regulated areas were identified. The culvert is being replaced with a 16 ft clear span bridge. Army Corps requires that even a culvert with a watershed of this size has to pass the 100-year storm. They are also meeting the 1.2 times bank full width requirement. A box culvert was reviewed for the project, however, there are overhead utilities that would be in the way for the installation, and it would require removal of trees. Modular block abutments will help the bridge get built quicker. Precast blocks and decking will be used. The existing culvert acts as a grade control for the wetland and is not fish passable. Ms. Plude explained how the bridge would be constructed with natural rock and boulder to hold the grade and allow the fish through. It was noted that DEEP Fisheries is comfortable with the design. The channel will be rounded stone and overlaid with native streambed material to stabilize the area through the culvert area. A majority of the impacts have to do with the reconstruction of the roadway. A majority of the roadway is 22' wide, in this area it is 20', they are going to construct it to be consistent with 11' lanes through the entire length. At the edge of pavement, the embankment slopes straight down. Ms. Plude identified areas where they will "clip the ordinary high water line." The permanent impacts for the state wetlands

are 188 sq. ft. the permanent high-water impacts are 935 sq ft. Slopes will be stabilized where necessary with erosion control matting, but also seeding with a New England wildlife and conservation seed mix. The construction will be done in phases and Ms. Plude detailed that for the Agency along with noting details on the plans. Once the channel is complete, they are out of the water for the remainder of the work. The bottom where the water will be flowing will consist of 12" of granular fill, 18" of rounded stone and then native streambed materials. The slope was questioned, they will try to keep it 2 to 1, but it gets tighter in some areas. At the toe of the slope there will be boulder set to protect it. Where it is steep erosion control matting will be used. They are looking to start the project as soon as possible.

With no further questions from the Agency a draft motion was requested for the next meeting.

22-IW-0013 – 45 South Pomperaug Avenue / Map 102, Lot 14 / OS-80 / Nova Development LLC Proposed 5-bedroom single family house partially located within 100-foot upland review area. Michael Mazzucco, professional engineer was present for the application. Plans for a single-family house were reviewed by the Agency. The property is 3.4 acres. There is an existing partial gravel driveway to a fairly level area in the middle of the property. To the west and to the east there is a steeper slope that heads down into a wetland on both sides. On the eastern side there is a brook that goes off the property. There is a small portion that is located in the 100' year flood zone. The area is already cleared and relatively flat in terms of the grading. A 5-bedroom single family dwelling is proposed, as well as septic and onsite well. The regulated area was shown on the plans. There is a small amount of work in the regulated area. Minor inclusions into the regulated area. The soils are good. Members reviewed the plans. It was noted that the wetlands were flagged by Jim McManus. It was questioned if there are gutters, there is drainage included. It was asked if the house could have been moved out of the regulated area. Mr. Mazzucco responded it might be possible. It was asked if there was a vernal pool on the property. Discussion about the existence of a large vernal pool on an adjoining property was discussed, noting there is a 500' regulated area from vernal pools, members questioning if there is a vernal pool on this property as well. There was nothing noted in the report from Mr. McManus. The vernal pool should be delineated and documented for the record. The GIS mapping of the area was reviewed by the Agency for clarification of the location of the neighboring vernal pool. Flagging on the maps were reviewed. The applicant was asked to stake the corners of the house, show the drainage area and septic area.

A site walk was scheduled for Sunday, June 26, 2022 at 9:00 a.m.

22-IW-0014 (Jurisdictional Request) & 22-IW-0015 (Permit in the alternative should Jurisdictional Ruling not be Favorable) – 1068 Main Street North / Map 10, Lot 42 / OS-60 / William C. Hildreth Discharge in late Map of approximately 8,000 gallons of 8-month standing pool water into Nonnewaug River, and withdrawal of approximately 8,000 gallons of water from Nonnewaug River once a year to partially fill pool/spa

William Hildreth was present for the application. Mr. Hildreth explained that since he has owned the property, the pool water has been discharged into the river so that they can access a plug for the drain. The pool water has been sitting for approximately 8 months and therefore would not have any remaining chemicals. Once this is done water is pumped from the river to fill the pool. Members questioned the need to drain the water as opposed to the standard use of chemicals. Mr. Hildreth

stating that the water coming from the pool is likely cleaner than the water that comes through the Nonnewaug because the water is coming through several farms. Taking 8,000 gallons from the river does not require DEEP approvals. Mr. Hildreth stated that he has contacted the Pomperaug River Watershed Coalition and Ms. Haskins had no concerns. The Agency requested documentation from Ms. Haskins to support this. Chairman Tyrrell noted that emergency withdrawal is what is stated under the jurisdictional conditions.

The consensus of the Agency was that this is not considered as of right and requires a permit.

22-IW-0016 (Jurisdictional Request) & 22-IW-0017 (Permit in the alternative should Jurisdictional Ruling not be favorable) – 1080 Main Street South / Map 32, Lot 6 / OS-60 / Philip Simpson Kurtz and Pamela S. Kurtz, Trustees of the Haworth of England by Pamela LLC Profit Sharing Plan
Zone Change to Garden Apartment District and Special Permit to convert existing Office Residential building into 2 apartments; and develop 8 additional apartments in a new 4,650 sf building with related detached accessory garages, surface parking and associated site utilities.

Attorney Gail McTaggart and Brian Baker of Civil1 were present for the application. The property bounds the Pomperaug River on one side and has a 100-year flood plain. A conservation area owned by the Town exists where the whole wetland area is located, and this area is about half of the property. This conservation easement requires a raingarden within the conservation area. As Easement holder, the town has been notified. There are no activities proposed within 100' of the wetland or within 200' of the river. They feel they have no regulated activities, so they are requesting a jurisdictional ruling. Brian Baker reviewed the plans of the new development with the Agency. All offices will be removed, and the property will become all residential. Bill Kenney flagged the wetlands. He showed an intermittent watercourse and the river area. Edge of pavement will remain; they are not encroaching any further into the wetlands area with that. Silt fence and construction fence will be placed at 102' from the wetlands. He explained how drainage and stormwater will be managed for the site with a series of catch basins, roof leaders to a rain garden. The rain garden will be within the conservation area, but outside the flood plain, outside the 100' regulated area and approximately 250' away from the river. There is no activity in the regulated area, the closest area is already paved and is relatively flat. There are no vernal pools on the site. There are well drained gravelly soils. Chairman Tyrrell questioned a potential drainage area coming in from the road. An area behind the building was shown, which was described as a drainage swale, it is not a regulated feature. A maintenance plan and schedule are in the plans. The Agency's concern is that these things fail to be maintained. The owner can be contacted regarding maintenance. The Agency can make a recommendation to the Zoning Commission that they require maintenance reports to be submitted on a regular basis. Chairman Tyrrell indicated that this area is separated, located up on a flat plateau and then falls off onto another property before it gets to the wetlands. Drainage has been addressed. Members felt comfortable with a jurisdictional ruling on this application. Attorney McTaggart noted that the definition in the regulations. With no activity in the regulated area, it would require there be some likelihood that there was going to be an impact. If plans change, they will have to come back. The Agency determined this to be a jurisdictional ruling feeling there was no impact to the wetlands and watercourses in the area with the proposed activity all outside the regulated area. The Agency would like to send a recommendation to the Zoning Commission so that when they review it, they look at the rain garden and require that the applicant or their agent submit regular reports when cleaning and maintenance occurs so they can watch that appropriately.

MOTION:

Issuance of a Jurisdictional Determination (22-IW-0016) pursuant to §4.4 of the Inland Wetlands and Watercourses Regulations that corresponding Application 22-IW-0017 for a Wetland/Watercourse Permit is not required since proposed activities and associated impacts have been shown to be outside of regulated wetlands/watercourses and/or 100-foot upland review areas. Philip Simpson Kurtz and Pamela S. Kurtz, Trustees of the Haworth of England by Pamela, LLC Profit Sharing Plan.

Made by NEWELL, Seconded by TUROCZI

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

Ayes Tyrrell, Turoczi, Newell, Clow, Gillette

Nays None

Abstain None

22-IW-0019 – 151 Upper Grassy Hill Road / Map 66, Lot 4 / OS-80 / Jeffrey and Kristina St. Jean
Proposed dredging of existing pond and installation of dry hydrant for fire suppression.

Ron Wolff was present for the application, along with owners Jeff and Kristina St. Jean. The location of the 10 acre property was described for the Agency. There is an existing pond on the property and the wetlands have been flagged by Eric Davison. They are looking to clean the pond out. They will take the material out and fatten the berm up on the lower side. About 600 yards of material will be left on site on the downhill side slope. They will create a “4 bay” for where the runoff comes off the road to let the heavy sediment settle out and try to keep the rest of the pond clean. Details are in the plans. Flow comes off the road and it appears to be spring fed. A dry hydrant is also proposed, a letter from the Fire Marshal was sent to the Agency. There is a lot of vegetation currently in the pond. The Agency had no further questions.

A draft motion was requested for the next meeting.

PENDING APPLICATIONS/DELIBERATIONS

22-IW-0011 – 75 Grassy Hill Road / Map 50, Lot 55-4 / OS-80 / Jeffery I. and Tracey Peck

Proposed 20 ft x 45 ft inground swimming pool, including surrounding fenced area and pool equipment pad within 100-foot upland review area.

The Chairman noted they walked the site the previous day. Mark Reifenhauer and Charlie Spath were present for the application. The Agency was surprised to find that major trees had already been removed and it was asked that the owners refrain from pulling the stumps. The stumps could be cut down or grinded. It was also questioned if the proposed pool could be turned to pull it further from the wetlands as well as if wetlands plantings could be put back into the area. New plans were submitted with revisions. They turned the pool 90 degrees. A note was added that there will be no stump removal in the wetland area. The property owners were unaware that there were wetlands on the property and appeared willing to work with the Agency. The Chairman noted that there are some wetlands plants coming back in, so they requested that they use wetlands plantings and not just grass, but did not require a specific plan be submitted feeling the owners would be conscientious about it.

A draft motion was requested by the Agency for the next meeting.

22-IW-0012 – 35 Atwood Road / Map 77, Lot 25 & 46 / OS-60 / Robert H. & Joann M. Behlman

Install larger 160 sf (10 ft x 16 ft) accessory storage shed replacing existing 120 sf (10 ft x 12 ft) shed in general same location, add gravel base, within wetlands/100-foot upland review area.

The Agency reviewed the draft motion, it was decided that a bond would not be necessary for this application.

MOTION:

Approval of Application 22-IW-0012 for the installation of a residential accessory storage shed measuring 160 sf (10 ft x 16 ft) with gravel base replacing an existing shed in the same general location, within wetlands/100-foot upland review area on property consisting of 0.5 acres located at 35 Atwood Road per June 13, 2022 Draft Approval Resolution, as amended. Robert H. and Joann M. Behlman, applicant/owner.

Made by NEWELL, Seconded by TUROCZI

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

Ayes Tyrrell, Turoczi, Newell, Clow, Gillette

Nays None

Abstain None

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.

Will Agresta updated the Agency that plans were still being drafted.

22-ENF-0011 – 168 Quassuk Road / Map 92, Lot 52-2 / OS-100 / Jose and Katrina Rotunda

Unauthorized site activities including filling, alteration, damming/brook obstruction within a regulated area

Jose (Joe) and Katrina Rotunda were present for the discussion. The property owners explained that they were cleaning up the area, taking down dead trees and removing prickles and poison ivy from the area. It did not occur to them that they needed any approvals. The Agency explained that dams were also created, they should not impede water flow. Member Turoczi stated they like to see a buffer along streams as it helps with erosion. They may be able to add safe access using rock enhancement. The Agency requested a plan for restoring the area and suggested the owners contact Pomperaug River Watershed Coalition or Northwest Conservation District for assistance with this plan.

A site walk was scheduled for Sunday, June 26, 2022 (around 9:30 -10:00 a.m., following the previously scheduled 9:00 site walk).

MINUTES

- May 23, 2022 Meeting Minutes

May 23, 2022 Meeting Minutes

MOTION:

To approve, as presented, meeting minutes of May 23, 2022.

Made by NEWELL, Seconded by TUROCZI

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

Ayes Tyrrell, Turoczi, Newell, Clow, Gillette

Nays None

Abstain None

CORRESPONDENCE

- None

PRIVILEGE OF THE FLOOR

Chairman Tyrrell asked for updates on 877 Washington Road, 575 Washington Road, and 614 Main Street South (Dollar General). Members also questioned the dumpsters at 757 Main Street South (Mix Prime) as well as a recent issue with a burn permit at 39 Quanopaug Trail.

ADJOURNMENT

Member Newell made a motion to adjourn the meeting at 10:38 p.m.

Filed subject to approval,

Anne Firlings

Anne Firlings, Clerk

RECEIVED & FILED
IN WOODBURY, CT
This 17th day of June 2022
at 3:00 o'clock P M
Maia M. Francis
Town Clerk

WETLANDS / WATERCOURSES PERMIT APPROVAL

Date of Approval	June 13, 2022
Permit Expiration*	June 13, 2027

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

Applicant: Robert H. and Joann M. Behlman
 Owner: Robert H. and Joann M. Behlman
 Application: 22-IW-0012
 Project: Replacement of existing accessory storage shed with larger accessory storage shed measuring 10 feet x 16 feet (160 sf) with gravel base within a regulated wetlands/100-foot upland review area.
 Address: 35 Atwood Road
 Map/Lot: 77/25-46

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application 22-IW-0012 as submitted by Robert H. and Joann M. Behlman (applicant/owner) in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury (“Regulations”) seeking a Wetlands/Watercourses Permit (“Permit”) to install a residential accessory storage shed measuring 160 sf (10 ft x 16 ft) with gravel base within a regulated wetlands/100-foot upland review area on property consisting of approximately 0.5 acres located at 35 Atwood Road within an OS-60 Zoning District, as shown on Assessor Map 77, Lot 25-46; and

WHEREAS, the following mitigation measures are proposed:

- Gravel base covering roof drip line; and

WHEREAS, application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Shed Elevation and Floor Plan Details, The Barn Yard;
- Photos of Existing Shed to be Replaced;
- Vicinity Map;
- Site Plan;

NOW THEREFORE BE IT RESOLVED, upon careful consideration of the information received, the Agency, in accordance with Section 11.3 of the Regulations, hereby finds the following:

- No significant adverse off-site impacts are anticipated;
- Site disturbance impacts can be further mitigated by the conditions listed below and the proper use of soil erosion and sedimentation controls during construction as may be needed, and proper maintenance of the gravel base post installation;
- 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 Section 10 of the Regulations, following deliberations, hereby approves Application 22-IW-0012 as described above, subject to the 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 Section 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. The plans presented shall be endorsed as “approved” by the Agency / Town Planner.
2. Required approvals for the following shall be separately obtained and a copy thereof presented to the Agency office for inclusion in the permit record file:
 - **Housatonic Valley Health District**
 - **Woodbury Zoning and/or Building Permits**

B. Conditions During Remediation Construction

1. Prior to commencement of any site work or site disturbance, the limits of disturbance shall be clearly marked in the field 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 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. There shall be no burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like.

3. Construction vehicles and equipment not in use shall not be stored, and at no time shall such be washed out, within a regulated wetland/watercourse 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. All access paths shall be reestablished to original condition.
5. Construction stockpiles shall be stored outside the regulated 100-foot upland review area.
6. 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.
7. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of the regulated 100-foot upland review area. 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.
8. Disturbed soils shall be stabilized in a timely fashion to minimize erosion. Specifically, if grading operations at the site will be suspended for a period of thirty (30) days or more, the applicant shall seed or employ other appropriate control measures to stabilize the affected area within seven (7) days. Also, upon completion of any grading activity, the applicant shall seed/stabilize affected areas within seven (7) days.
9. All disturbed areas and earth material stockpiles within regulated areas shall be stabilized by October 15th of any year.

C. Post Remediation Construction Compliance and Permit Closure

1. **As-Built Plan** – The applicant shall satisfy the Land Use Office that the shed has been located in accordance with this approval and applicable zoning regulations.
2. **Final Remediation Installation Inspection** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to the following:
 - All improvements have been completed consistent with the approved final plans, and mitigation landscaping has been installed, is stable and exhibits healthy growth conditions.
 - 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. **Drainage Improvements** – The proper and timely maintenance of the drainage improvements shall be a condition of continued compliance.
4. **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 Woodbury Inland Wetlands and Watercourses Regulations. Any substantive additions or changes to the approved regulated activities shall require prior review and separate approval and permit.
5. **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 plans. The Agency may grant one (1) or more extensions of time to complete same, not to exceed an additional five (5) years total. 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 shall review the continued adequacy of any held bond.

MOTION

Motion by NEWELL, seconded by TUROCZI

Ayes Tyrrell, Turoczi, Newell, Clow, Gillette

Nays None

Abstain None