



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

REGULAR MEETING MINUTES
June 14, 2021 – 7:30 p.m.
Senior/Community Center, 265 Main St. South

MEMBERS PRESENT:

Marty Newell
Kyle Turoczi
Mary Tyrrell
Ernest Werner

ALTERNATES PRESENT:

Earl Gillette
Don Richards

MEMBERS ABSENT:

Wes Clow

ALTERNATES ABSENT:

Evan Hard

ALSO PRESENT: Maryellen Edwards (Town Planner), Justin Landry, Michael Lattis, Michelle Pakula, Ron Wolff, Martin Anderson, Chris Guman, Bob Barneschi, Robert DiTullio, Peter Bowles, Richard Groben and other interested members of the public.

REGULAR MEETING

The meeting was convened at 7:30 p.m. Seated for the meeting were regular members Newell, Turoczi, Tyrrell Werner and Alternate Richards. 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

Justin Landry was present via phone. The Chairman requested an overview of what has been done. They have cleared shrubbery in the field, started cleaning the culvert, took a tent down and has begun picking up the scrap metal, tires and debris. Mr. Landry expressed that once he is done cleaning up, he will get back to discussions regarding the proposed skid barn. Chairman Tyrrell clarified that this will be removed from this application and when ready, they will come back with a different application. Members expressed no concerns with accepting this with a jurisdictional ruling. Members Tyrrell and Clow walked the site previously and had no concerns at the time.

MOTION:

The Agency finds application 21-IW-2111 for the cleanup of an existing ditch, cutting dead shrubs, cleaning State culvert, moving an existing tent, to be an as of right activity pursuant to Section 4.1(d) of the regulations. The skid barn will be another application.

Made by Member Newell, 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

The applicant was not present at the meeting. The Agency was hoping for clarification information regarding clean up of the wood, trees and storm debris. The application was revised on 5/19/21 stating cleaning up downed trees/storm debris "by hand." It was questioned if they could specify this in the conditions of approval. Draft motion conditions were reviewed. Member Newell felt the applicants seemed unclear as to what the Agency expected, wanted and what they could and couldn't do. This needs to be verbal, she felt it vital for them to be present for discussion. Alternate Gillette felt there should be stakes used as guidance as to how far they can go. The Agency needs to make a decision by the end of the next meeting. The applicant needs to be contacted for more detailed information regarding the cleaning up of the wetlands area. How they are going to do it, what the distances are, including a drawing so the Agency can understand it better. The concern was not having any machinery in the wetland area for the removal process. The application states removal by hand. The motion should state no machinery to be used in the wetlands area. The discussion was tabled until later in the meeting in hopes that the applicant may arrive late.

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 and Alternate Gillette was seated.

Michael Lattis and Michelle Pakula were present by phone for the discussions. Members reviewed the new submittal drawings, which included changes to the design of the addition. A construction sequence has not been submitted. The bump out is now 30". An error in this submittal was identified (*drawing with Sprain Brook identified*) which shows an incorrect dimension, it should read 2'6", not 2'8", this will need to be corrected and resubmitted. Alternate Richards felt the new design was better "wetland wise." Joists will be on top of the existing foundation and will expand up to 30" over the edge. Mr. Lattis indicated that the soil and erosion controls will be placed where the transition lines from level lawn to the stream bank is noted. They are placed to where the grade starts to turn more sharply downhill. This needs to be indicated on a map so the Agency knows what they are going to inspect. Silt fencing will be drawn on where the dashed line is now indicated. Mr. Lattis questioned if the Agency would like the silt fence placed closer to the house, he felt where it is designed seemed like a natural place to put it. It was explained this is dependent on topography, work area and where it can be "keyed" in properly, so it works. Tub drain will be located in the basement. An engineered drawing will be submitted for approval by the building official. The Agency felt they needed to see the engineered drawing to understand better the activity and something to show where the silt fences will be installed. They need to review for impact to the wetlands resource and they cannot do that if they don't have all the information.

Michelle Pakula noted they have begun some of the activities associated with their previous permit, which included a dry laid rock wall and plantings. These will also assist as additional erosion control mechanisms on the site. It was confirmed that there was a Construction Commencement notice filed for that permit. Additional silt fence will be required for the current (bump out) project. No "major activity" has commenced on site; this won't happen until it is well stabilized. The applicants will supply notice to the Land Use Office when that activity moves from anything more than by hand behind the house so that the site can be inspected.

It was confirmed that a materials list would not be required as they are building an above grade structure.

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

This item was tabled at the request of the applicant.

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

21-IW-2117 / CT Clinical Services Inc / 15 Woodside Circle / Restore Existing Pond to Allow for Possible Use of Existing Dry Hydrant & Provide Water for Fire Suppression / Map 056 / Lot 016-3

Ron Wolff was present for the discussion. An endorsement from the Fire Marshal was submitted along with a drawing showing what a dry hydrant installation would look like. The drawing will be shown to the contractor to show what the inlet area is supposed to look like. The drawing will also assist in determining where the inlet section pipe is. Ms. Morgan's letter was read for the record.

MOTION:

To classify the application (21-IW-2117 / CT Clinical Services Inc / 15 Woodside Circle / Restore Existing Pond to Allow for Possible Use of Existing Dry Hydrant & Provide Water for Fire Suppression / Map 056 / Lot 016-3) as summary.

Made by Member Newell, Seconded by Member Werner

Vote: 5-0-0 in favor

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-2117 submitted by Wolff Engineering (Agent) on behalf of CT Clinical Services, Inc. (Owner) to "restore an existing pond to allow for possible use of an existing dry hydrant and provide water for fire suppression" at 15 Woodside Circle, Woodbury, Connecticut (056/16-3)

WHEREAS, the Agency has received the following material:

- a) An application dated and received May 20, 2021;
- b) A Pond Restoration Plan prepared by Wolff Engineering dated October 7, 2020 and received May 20, 2021; and

WHEREAS, the Agency classified the application as Summary; and

WHEREAS, the Agency has carefully considered all the information submitted; and

WHEREAS, the Agency finds that the proposed activities will have minimal environmental impact on wetlands and watercourses, there are no significant offsite impacts, and that possible impact on wetlands and watercourses outside the area for which activities are proposed can be further mitigated by the conditions listed below and the proper use of soil erosion and sedimentation controls during construction;

NOW THEREFORE BE IT RESOLVED that the Woodbury Inland Wetlands and Watercourses Agency

Approves the application submitted by Wolff Engineering (Agent) on behalf of CT Clinical Services, Inc. (Owner) to "restore an existing pond to allow for possible use of an existing dry hydrant and

provide water for fire suppression” at 15 Woodside Circle, Woodbury, Connecticut (056/16-3), as described on the submitted Inland Wetlands and Watercourses Agency application form dated and received May 20, 2021. Subject to the following conditions:

1. The applicant shall provide the Land Use Office with 48-hour notice prior to construction and shall not commence approved work until soil erosion and sedimentation control devices have been installed and inspected.
2. There shall be no burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like. The stumps of all significant trees shall be left in place for stabilization of the affected area(s).
3. The construction equipment shall not be washed out in the regulated 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.
5. All paths used for site access will be reestablished to original condition.
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. Disturbed soils will be stabilized in a timely fashion to minimize erosion. Specifically, if grading operations at a site will be suspended for a period of thirty (30) days or more, the applicant will accomplish seeding or other appropriate measures to stabilize the area within seven (7) days. Also, upon completion of any grading activity, the applicant will seed/stabilize the area(s) within seven (7) days.
8. All disturbed areas and earth material stockpiles within the regulated area must be stabilized by October 15th of any year.

Made by Member Newell, Seconded by Alternate Richards

Vote: 5-0-0 in favor

21-IW-2118 / Anderson / 11 Bear Hill Road / Demolition and Reconstruction of a Single-Family House in the Regulated Area / Map 036 / Lot 071

Martin Anderson was present for the discussion. It was noted that a site walk had occurred prior to the meeting. Members walked the site to understand location of well, septic and other activity required for the project in relation to the location of the wetlands and flood plain below. It was noted there is a significant elevation change, any flooding that occurs in the flood plain below will need to be about 20'-25' to impact. It is a narrow area to work within. Trees will need to be removed, but Mr. Anderson had agreed that he would take the trees but leave the stumps for stabilization of the bank. It was confirmed that silt fence will be installed and will remain up throughout the entire job (including demolition, foundation and reconstruction). A draft motion was requested for the next meeting. The Agency advised the applicant need not be present at the next meeting.

MOTION:

To classify the application (21-IW-2118 / Anderson / 11 Bear Hill Road / Demolition and Reconstruction of a Single-Family House in the Regulated Area / Map 036 / Lot 071) as summary.

Made by Alternate Richards, Seconded by Member Turoczi

Vote: 5-0-0 favor

NEW APPLICATIONS

21-IW-2119 / Guman / 50 Pomperaug Road / Installation of a 24' x 52" Above Ground Pool Including 65' of Electrical Conduit from House to Pool Area / Map 034 / Lot 022

Chris Guman was present for the discussion. The Chairman read details provided on the application. Mr. Guman clarified that they will need to level the area for the pool, and they will need to bring in approximately 3 yards of sand. The application will need to be amended to indicate the amount of fill material being brought onto the site. A tractor will be used to level it. There were a few unchecked answers on the application that will need to be answered. There is a stream about 70' from the proposed pool location. An owner authorization letter was noted, and a cartridge system will be used.

21-IW-2120 / Town of Woodbury / 11 Washington Avenue / Remove & reconstruct an existing drainage outfall location associated with the catch basins at the low point of Washington Avenue across from the "Kettle" (Flanders Nature Center). The existing outfall pipe is causing erosion into the Kettle channel and at the base of an adjacent tree which will be removed. New concrete wingwall and riprap outfall are proposed / Map 105 / Lot 001

Bob Barneschi of WMC was present for the application. Plans and photos were distributed to the Agency. This is part of the Connectivity Sidewalk Project. Approximately 2,000 linear feet of sidewalk is proposed. There is an area on Washington Avenue where there is a drainage outfall. An overall map indicating the wetland review area was described. They are proposing to put sidewalk along the grass shelf along the road. A cross section of a catch basin was shown indicating the proposed changes. Photos of existing conditions were shown and described. The catch basin will be moved to the gutter line of the road. There will be excavation, what gets taken out will be replaced with course gravel as a base and modified rip rap. The plan will armor the section that first exits the pipe at a higher velocity to slow the water down. There will be some tree clearing involved within the upland review area. Discharge will be changed to go onto town owned land so that the town can maintain it. An agreement may be needed to maintain the outfall once it crosses the right of way line. Standard erosion control measures will be used. There will be minor grading. There will be selective clearing of trees. Proposed is about 200 sq. ft. of wetland impact, 4100 sq. ft. of upland review area. It will be a concrete sidewalk. It was confirmed that the size of the pipe there now is 24". They are putting a new catch basin in on the western side and replacing the 24" pipe. The pipe material was discussed, it can be concrete or HTPE. A sump will be replaced which will have more storage capacity. A trap hood was discussed to catch "floatables" so that they won't flush into the nature preserve. Member Turoczi noted this will be a major improvement especially with the sump. There are outfall protections, which the engineer discussed. This should be maintained &/or inspected on an annual basis. It was duly noted that a memorial tree is planted in the area, this should be preserved.

A site walk was scheduled for Sunday, June 27, 2021 at 9:00 a.m.

21-IW-2121 / DiTullio / 130 Tuttle Road / Request for Jurisdictional Ruling to Cut Down Two Damaged/Dead Ash Trees / Map 021 / Lot 027A-2

Robert DiTullio was present by phone for the discussion. A request for jurisdictional ruling for tree removal was submitted. The work was done by hand and no heavy equipment was used to do the work. Photos were reviewed and the location of the trees was discussed. Mr. DiTullio stated the trees were removed due to the proximity to the driveway. Member consensus was this was not of concern, no heavy equipment was used. Per section 4.1 of the regulations, this could be considered as of right.

MOTION:

This activity falls within that section of the regulations and that a jurisdictional ruling will declare this as an as of right operation.

Made by Alternate Richards, Seconded by Member Werner

Vote: 5-0-0 in favor

OTHER BUSINESS

18-IW-1801 / Garrett Homes LLC / 614 Main Street South / Bond Release Request / Map 102 / Lot 025

With no one present, this item was tabled until later in the meeting.

Discussion regarding letter from Peter Bowles and Erosion Concerns at 5 South Street / Map 062 / Lot 024E-2

Peter Bowles was present for the discussion; he had no new information for the Agency. An original subdivision map and minutes were reviewed by the Agency. Chairman Tyrrell noted this was part of the Cardinal Hill Subdivision. Reference was made to minutes from January 11, 1988. The size of the basin was shown on the map. Mr. Bowles showed the Agency on the map where the erosion is presently occurring. Alternate Richards stated that this has never been maintained. Mr. Bowles stated that when he tried to address the situation 13 years ago, Brian Baker's opinion was that the outlet pipe was too big. Mr. Bowles does not know the solution but knows there is a problem. It was questioned why this issue was not brought up when Mr. Bowles applied for a subdivision for his daughter. Mr. Bowles stated that Mr. Stomski, Mr. Monckton and Ms. Lynch visited the site at the time, but no action was ever taken. Mr. Lamothe recently installed rip rap to assist with the issue, but has indicated that is all he can do, there is no money in the budget for anything further. It was questioned who is responsible. The Agency advised that Mr. Bowles should investigate who should be maintaining it by looking at deeds. Mr. Bowles requested the Agency write a letter to the Selectmen putting them on notice that this is a problem. Alternate Gillette offered to do so.

ENFORCEMENT & WETLANDS UPDATE

21-ENF-0005 / Stevens & Groben / Main Street North / NPV Soil Disturbance Caused by Vehicles or Equipment within a Regulated Area / Map 010 / Lot 025A

Mr. Groben brought maps of the property and reviewed with the Agency various access issues. He would like to continue using his "second driveway." He indicated the location of where the complaint was. There is a pond that is about 8' deep in the middle and maybe a 20' circumference. There is a stream/brook goes underground. There are grates and manhole covers indicating it is a wet area. Member Turoczi is familiar with the site as he was involved with soil sampling for a different project. Mr. Groben is proposing to add dirt in an area to be able to drive over it with his farm equipment to reestablish a meadow. He is looking to clear land for livestock. If he can't drive back there, he cannot get a pasture for his animals started.

A site walk was scheduled for Sunday, June 27, 2021 at 9:30 a.m.

Mr. Groben requested the Agency approve a temporary pasture location for his animals which is immediately needed. Two locations were reviewed on his plans.

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

Member Werner recused himself and left the meeting. Alternate Gillette was seated.

Thomas Zissu was present and addressed the Agency. Mr. Zissu had an agreement document to show the Agency regarding property boundaries between his property and Mr. McGovern's. It appears Mr. McGovern doesn't have frontage on the river in that section of the property. He seemed to think it was his property. Members questioned whether they had the ability to request a survey from Mr. McGovern. It was noted that this may be a civil issue and if there was an enforcement action it would be on the property owner where the activity occurred. Mr. Zissu claimed that there were truckloads of fill brought in and that is why it is so steep there. There are erosion concerns with bank/slope stabilization. It was questioned what they needed to do to take legal action against Mr. McGovern to see about getting the bank stabilized because "it is not getting taken care of and it is not going to be done at this point willfully." The Agency is looking at how to proceed and feels they need legal guidance.

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

An Enforcement Update dated June 14, 2021 noted that the two remaining soil piles had been removed.

MOTION:

To remove this (21-ENF-0002 / Eimer / 346 Quassapaug Road / NPV Clearing, Grading, & Stockpiling of Materials within a Regulated Area / Map 077 / Lot 094B-3) from enforcement.

Made by Alternate Richards, Seconded by Member Newell

Vote: 5-0-0 in favor

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

This item was tabled, they are waiting for the road work to be completed.

Chairman Tyrrell wanted to add the **1754 House (506 Main Street South)** to enforcement.

Excavating is occurring on the back part of the property on the hillside with a significant amount of tapering going on. The Chairman was unsure where the 100' setback from the Pomperaug River is or is not. The Agency was concerned with the bank being left destabilized, not planted and not protected and what might happen. This is draining into a wetland. The application never came to the Agency for their discharge point. There are outstanding concerns that some of the work zones for the project are within their jurisdiction. Maryellen Edwards informed the Agency that Dylan Willette had gone to the site on Friday and the 100' area is staked out. As of Friday they hadn't been working near the stakes. The Agency was concerned about leaving a "sheer cliff" with a "sheer cliff" on the other side

not holding up well. The steeper it gets the less likely it is to stay there. The Agency questioned if they had submitted anything for stabilizing the bank. Maryellen Edwards recollected a stabilization plan was submitted with the drawings for the zoning permit. It was questioned if there is any erosion control around the basin. Silt fencing should be installed at the very least between the parking lot and the hill. It was noted that many members had not reviewed the zoning plans that had been submitted for the parking lot permit. The Agency is allowed to look at upland review if it is impacting the wetland. It could be significant if they destabilize that bank in such a way that it falls into the river. Member Turoczi reminded that they hired a professional engineer who signed off on the plans, they should not challenge a professional's opinion. They would have to violate the 100' regulated area for the Agency to do pursue anything.

18-IW-1801 / Garrett Homes LLC / 614 Main Street South / Bond Release Request / Map 102 / Lot 025

There has not been any new information submitted and it has been requested several times by Maryellen Edwards. They cannot release a bond if they cannot see that the stipulations to release have been met. Maryellen Edwards stated she has emailed several times with no response from the engineer and a representative from Garrett Homes was to get with the engineer, but she has not heard anything back.

MOTION:

To not release the bond at this time as we have not received the requested information nor work.

Made by Member Newell, Seconded by Alternate Richards

Vote: 5-0-0 in favor

Discussion Regarding Fawn Meadow Subdivision

A response email from Florindo Trofa was read for the record. NWCD will be inspecting the site on Mr. Trofa's behalf. It was noted that the last inspection report will be located and shared with NWCD so they are aware of what should be included.

CORRESPONDENCE – Included information from the Society of Soil Scientists, a DEEP permit application for Radar Pond and copies of *The Habitat* newsletter.

PRIVILEGE OF THE FLOOR – Member Turoczi noted items addressed at the CACIWC meeting including the 500' setback for vernal pools. Alternate Gillette noted that he attended the May 9, 2021 site walks.

CONSIDERATION OF MINUTES – 5/23/21 Special Meeting & 5/24/21 Regular Meeting

MOTION:

To accept the minutes of May 23rd at 9:00 walk (*Special Meeting 5/23/21*).

Made by Alternate Richards, Seconded by Member Turoczi

Vote: 5-0-0 in favor

MOTION:

To approve the minutes (*of the 5/24/21 Regular Meeting*)

Made by Member Newell, Seconded by Alternate Gillette

Vote: 5-0-0 in favor

ADJOURNMENT

MOTION:

To adjourn the meeting at 10:06 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 16th day of June 2021
at 3:27 o'clock P M
Linda S. Gault
Treasurer