



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 28, 2021 – 7:30 p.m.
Senior/Community Center, 265 Main St. South

MEMBERS PRESENT:

Wes Clow
Kyle Turoczi
Mary Tyrrell

ALTERNATES PRESENT:

Earl Gillette
Don Richards

MEMBERS ABSENT:

Marty Newell
Ernest Werner

ALTERNATES ABSENT:

Evan Hard

ALSO PRESENT: Marcela Ordonez, Chris Guman, Richard Tye, Richard Groben, Kathy Doyle 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 Clow, Turoczi, Tyrrell and Alternates Gillette and Richards. Members were reminded of the Conflict-of-Interest Statutes and the Town Charter.

PENDING APPLICATIONS

21-IW-2114 / Ordonez / 52 Scuppo Road / Construction of a 10' x 20' Shed and Clean up Downed Trees and Storm Debris within a Regulated Area / Map 084 / Lot 008-8

Marcela Ordonez was present for the application. There had been a request by the Agency for clarification of the cleaning up of downed trees and storm debris in the area of the stream and wetlands itself. Chairman Tyrrell read the minutes of the previous meeting as reference. Ms. Ordonez noted that they will be doing the clean up by hand working by the edge, just where she can walk. No equipment will be used. Distances and the areas to be worked in were noted as being between the waterway and the lawn and won't go further back than the immediate area around the shed. It was noted that soil and erosion controls were not needed. Adding a few stakes to delineate the work area was discussed, if they are working in the water, it will be obvious. It was finalized that work to be done for cleaning will be between the waterway and the lawn and also in the immediate area around the shed.

MOTION:

To classify the application (21-IW-2114 / Ordonez / 52 Scuppo Road / Construction of a 10' x 20' Shed and Clean up Downed Trees and Storm Debris within a Regulated Area / Map 084 / Lot 008-8) as summary

Made by Member Clow, Seconded by Alternate Richards

Vote: 5-0-0 in favor

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency received an application, 20-IW-2114, submitted by Marcela Ordonez on April 21, 2021 and revised on May 19, 2021, for the construction of a 10' x 20' shed and the removal of downed trees and storm debris within a regulated area at 52 Scuppo Road, Woodbury, Connecticut (Map 084, Lot 008-8); and

WHEREAS, the Agency has received the following material:

- a) An application dated April 20, 2021 and received April 21, 2021;
- b) A revised application dated and received May 19, 2021; and

WHEREAS, the Agency classified the application as Summary; and

WHEREAS, the Agency conducted a site inspection on May 9, 2021;

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 Marcela Ordonez, for the construction of a 10' x 20' shed and the removal of downed trees and storm debris within a regulated area at 52 Scuppo Road, Woodbury, Connecticut (Map 084, Lot 008-8); as described on the submitted Inland Wetlands and Watercourses Agency application form dated April 20, 2021 and received April 21, 2021 and revised May 19, 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. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses.
3. All paths used for site access will be reestablished to original condition.
4. All disturbed areas and earth material stockpiles within the regulated area must be stabilized by October 15th of any year.
5. Work to be done for cleaning of brook area by hand will be between the waterway and the lawn as well as the immediate area around the shed.

Made by Member Turoczi, Seconded by Member Clow

Vote: 5-0-0 in favor

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

The applicant was not present. Member Clow understood that the design had been changed from a footing to a cantilever addition, however, he would like to get the flood levels/elevations. He felt it is still technically building inside of a wetland or a flood plain. It was asked that the applicant provide that information and discussion was then tabled.

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

The applicant was not present for the application. Member Clow exclaimed that adding a temporary shed with no definitive plan in the flood plain is adding to the problem. Emails between the Land Use Office and Mr. McClintock were noted. Chairman Tyrrell had spoken to the Town Attorney explaining that the Agency feels that new construction/new building in a flood plain is not appropriate. This building is already in existence in the flood plain. According to Mr. McClintock's correspondence, the proposed barn is set up differently, however it is the same square footage. The Attorney advised that they could not prohibit the barn being rebuilt because it is replacing something that is already there, but it would need to be in the same footprint as it was. The Agency cannot take away his barn, but they can limit it to be exactly what it was. Mr. McClintock will be using an engineer and a much shallower foundation is proposed to limit any impact to groundwater flow. A few members stated that they are not in agreement with allowing a temporary shed in the flood plain. Further discussion was tabled as the applicant was not present.

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

There was a site walk on this property and the Agency reviewed the application at the last meeting. The Agency had already classified the application as summary. The draft motion conditions were reviewed. Erosion control measures were discussed. Silt fencing and a suitable washout pit should be reviewed by the Enforcement Officer.

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-2118 submitted by Martin Anderson for the demolition and reconstruction of a single-family home within a regulated area at 11 Bear Hill Road, Woodbury, Connecticut (036/071); and

WHEREAS, the Agency has received the following material:

- a) An application dated May 19, 2021 and received May 20, 2021;
- b) A set of two map sheets prepared by Stuart Somers Co., LLC, titled Site Plan Depicting House Reconstruction, dated December 22, 2020 and received May 20, 2021; and

WHEREAS, the Agency classified the application as Summary; and

WHEREAS, the Agency conducted a site inspection on June 14, 2021; 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 Martin Anderson for the demolition and reconstruction of a single-family home within a regulated area at 11 Bear Hill Road, Woodbury, Connecticut (036/071), as described on the submitted Inland Wetlands and Watercourses Agency application form dated May 19, 2021 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. Stockpiles of earth materials shall be stored outside the 100' regulated area.
7. 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.
8. Storage of any fuel/lubricants and the refueling/lubrication of any equipment are forbidden within 100 feet of the affected area(s). The Land Use Office is to 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.
9. 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.
10. All disturbed areas and earth material stockpiles within the regulated area must be stabilized by October 15th of any year.
11. Any tree stumps to the back of the house toward the slope to wetlands will not be removed so that they may provide stability
12. A suitable washout pit shall be designated and approved by the Wetlands Enforcement Officer.

Made by Alternate Richards, Seconded by Member Turoczi

Vote: 4-0-1 (Member Clow abstaining as he did not attend the site walk)

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 application. He noted that he revised the application as requested to indicate 3 yards of sand being spread with a small tractor. It was confirmed that a cartridge system will be used.

MOTION:

To classify the application (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) as summary.

Made by Alternate Richards, Seconded by Member Turoczi

Vote: 5-0-0 in favor

The draft motion was reviewed. No trees are being taken down and there is no need for silt fencing.

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-2119 submitted by Chris Guman for “the construction of a 24’ x 52’ above ground swimming pool within a regulated area” at 50 Pomperaug Road, Woodbury, Connecticut (034/022); and

WHEREAS, the Agency has received the following material:

- a) An application dated and received June 8, 2021;
- b) Authorization letter from the property owner, dated June 7, 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 Chris Guman for “the construction of a 24’ x 52’ above ground swimming pool within a regulated area” at 50 Pomperaug Road, Woodbury, Connecticut (034/022), as described on the submitted Inland Wetlands and Watercourses Agency application form dated and received June 8, 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. 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.
3. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses.
4. All paths used for site access will be reestablished to original condition.
5. All disturbed areas and earth material stockpiles within the regulated area must be stabilized by October 15th of any year

Made by Alternate Richards, Seconded by Member Turoczi

Vote: 5-0-0 in favor

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

Agency members walked the site the previous day. There were no issues with the proposal. The area is in bad shape and getting a lot of silt and road residue. This is being done in conjunction with installation of a sidewalk. Plans and photos were reviewed. Alternate Richards noted that with water getting into the Kettle a delta must be being formed he didn't see much being collected. Member Turoczi noted there is a 4' sump. Alternate Richards suggested a convex pool that would be at least 25' wide and 3' deep, an actual detention pond that would collect all the water as it is coming through and allow the sediment to settle before it goes into the Kettle. The protection of the Kettle was the concern of the Agency. It would be easy to maintain and simple to install. A standard catch basin may not be sufficient. Alternate Turoczi noted there was also a 25' rip rap channel, but thought this idea was worth considering. There is an oversized sump proposed, they need to be on top of the town to do the clean outs. Alternate Richards will convey his concerns to the Land Use Office to forward to the engineer for consideration. They may get some feedback as to why it was designed the way it was. Alternate Richards felt that the problem with a sump is "out of sight, out of mind." The Agency doesn't want the Kettle silted in; the engineer is best to determine what will work best.

NEW APPLICATIONS

21-IW-2122 / Burmeister / Clubhouse Drive (Woodlake) / Installation of Footings in an Existing Parking Lot to be Followed by Installation of an Office Trailer on those Footings. Also the Installation of a Handicapped Ramp for Access to the Trailer / Map 48 / Lot 008A

Richard Tye, President of Woodlake, Inc. was present for the discussion. They are looking to move the business offices out of the current clubhouse building so that it can be demolished and rebuilt. The trailer consists of two 12' x 56' trailers joined together with a ramp for ADA compliance. It was questioned if this trailer was going to be temporary or permanent and why there were so many footings being used. Mr. Tye responded that they are going by recommendations. The plans were reviewed by the Agency. The application is before the Agency due to the footings and proximity to the wetlands, which was 19'. Member Clow stated this is a permanent structure and felt it was overkill for a temporary structure. Mr. Tye stated that they plan on using it for the business offices temporarily, once the clubhouse is built, they may use the trailer as a maintenance building. This has not been determined yet. Woodlake has their own sewer and water systems which are in close proximity to the location they'd like to put the trailer. Mr. Tye explained that right now they need to get the business out and operational before they can start work on the existing building. The location is on an existing established asphalt parking lot so should not cause much disturbance. Various options were reviewed by Woodlake and this was determined to be the best option for them. Photos of the intermittent watercourse were reviewed.

A site walk was scheduled for Sunday, July 11, 2021 at 9:00 a.m. Members to meet on site. It was asked if the footing locations could be indicated (*by paint dots*) so the Agency could visualize the project.

OTHER BUSINESS - None

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

Richard Groben was present for the discussion. The Agency walked the site the previous day. They saw where the driveway area is anticipated, the wetlands and pond area and the area where material had been deposited. Mr. Groben explained that the retaining wall discussed at the site walk is not practical as the area is ledge or stone. He figured there is 26' to put the dirt back or to replace the dirt that washed out. A regular application will be required as he will be filling in a wetlands. Yardage calculations will be required. It makes sense to stop erosion. The area is stable except on the two sides of a pipe. The pipe is not being replaced; it appears water is still running through it. Filling in of a wetland requires an application. An application along with a drawing and

materials list will be needed. A view from the top and side view showing depth was also requested. A map showing the 100' setback should also be submitted.

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

Chairman Tyrrell had met with the Town Attorney. The Agency needs to document outstanding remediation areas of concern on the property that need to be addressed. A letter to Mr. McGovern will be drafted explaining what needs to be done on the property for remediation and stabilization. Impact to the wetlands as a resource is what they need to focus on. The matter of property lines is a civil issue. The Agency can look at it as a wetland's violation. If there is a direct impact to the resource, they should be highlighting those issues. Member Turoczi noted that if there is a significant impact to the resource, they have jurisdiction. Members should get their concerns/photos documented and sent to Maryellen Edwards by Wednesday so that the letter can be finalized. The opening in the sluiceway is "a point source."

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.

ENFORCEMENT REPORT/WETLANDS UPDATE

There was a response dated June 25 from Mr. Trofa (developer of Fawn Meadows) indicating that a catch basin in Phase II and a manhole by the pond had been cleaned stating that a pond inspection is due by the end of next week. It was clarified by Chairman Tyrrell that this was the detention pond, Alternate Richards noting that there was supposed to be maintenance done by the pond near the dam as well.

As Member Clow had missed the last meeting, Chairman Tyrrell summarized the status of the Dollar General's request for their bond release. At this time more information is required from the applicant in order to review for a release.

Member Clow questioned the activity at the 1754 House, Chairman Tyrrell reported that she had met with the Town Attorney and was told they are not working within the 100' setback area. The area is staked, Maryellen Edwards has been out there. It was told that there was mostly sand until they hit ledge. Silt fences are installed at the lower area near the river. Advice from the Town Attorney was that the Agency does not have jurisdiction over the parking lot expansion as it is out of the 100' regulated area. Members questioned how the regulated area is measured.

Chairman Tyrrell gave an update regarding discussion from the last meeting regarding 5 South Street. After speaking to the attorney, this has been determined to be a civil issue and the Agency should not be involved. Mr. Bowles will need to address the concern with the landowner.

CORRESPONDENCE – None

PRIVILEGE OF THE FLOOR

Kathy Doyle, 35 Washington Road – Ms. Doyle informed the Agency that the town has a Stormwater Management Committee and one of the things they do is the catch basins. The Agency should check with Maryellen Edwards to see if the catch basins on Washington Avenue are part of that Stormwater Management Program.

Member Clow stated that there is no set program in town for maintenance of catch basins and sedimentation control systems. It is included in their approvals, but there is no way to track it.

Ms. Doyle stated that there is a schedule for how often they need to be cleaned.

Regarding the detention pond suggestion that was raised, Ms. Doyle thought that in the winter that could be a nuisance as it may get icy, and kids might play on it. She remembered the engineer stating that they would be putting in a sump greater than 4'.

Member Turoczi noted that new MS4 programs are requiring that catch basins be disconnected from road water, so it doesn't go directly into a waterbody.

CONSIDERATION OF MINUTES – 6/14/21 Special Meeting & 6/14/21 Regular Meeting

MOTION:

To accept the minutes (of the 6/14/21 Special Meeting).

Made by Alternate Gillette, Seconded by Alternate Richards

Vote: 4-0-1 (Member Clow abstained)

MOTION:

To accept the minutes (of the 6/14/21 Regular Meeting)

Made by Alternate Richards, Seconded by Alternate Gillette

Vote: 4-0-1 (Member Clow abstained)

ADJOURNMENT

MOTION:

To adjourn the meeting at 9:15 p.m.

Made by Member Clow

Filed subject to approval.

Respectfully Submitted,

Anne Firlings

Anne Firlings, Clerk

Inland Wetlands & Watercourses Agency

RECEIVED & FILED
IN WASHINGTON, CT

FILED 30th day of June 2021
at 1:26 o'clock P M
Guido A. Car...