



# Town of Woodbury

## Inland Wetlands and Watercourses Agency

281 Main Street South  
Woodbury, CT 06798  
203.263.3467 • [www.woodburyct.org](http://www.woodburyct.org)

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### REGULAR MEETING MINUTES – JULY 10, 2023

7:30 PM – SENIOR/COMMUNITY CENTER, 265 Main St. South, Woodbury, CT 06798

#### MEMBERS PRESENT

Earl Gillette, Alternate  
Ernest Werner  
Marty Newell, Vice Chairman (arrived late)  
Don Richards  
Kyle Turoczi, Secretary  
Mary Tyrrell, Chairman

#### MEMBERS ABSENT

Michael McAloon, Alternate

**NOTED OTHERS PRESENT** – Will Agresta (Town Planner) and a member of the press.

#### OPENING OF MEETING

Call to Order – The meeting commenced at 7:30 p.m.

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

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

#### PUBLIC HEARINGS

None

#### NEW APPLICATIONS

##### 23-IW-0019 – 18 Minortown Road / Map 25, Lot 2C-2 / OS-60 District

Town of Woodbury (applicant/owner), Conservation Commission (agent)

Removal of Japanese Knotweed and sections of Mugwort and Stiltgrass.

Jeff Sherman from the Conservation Commission presented for this town project, noting that the property consists of 26 acres, half is a cornfield and half is an open field. Mr. Sherman said the plan would take 3 years, the town would cut the Knotweed in mid-August and as the shoots were coming back up in mid-September, the affected areas would be sprayed with Glyphosate. Mr. Sherman stated by spraying the roots in late fall, this would ensure the Knotweed goes into the winter season already weakened. The invasives are in discrete well defined relatively small patches of 8,000 to 9,000 sf in area. Pictures of the patches were viewed on the large screen. Mr. Sherman also noted that a wildflower seed mix would be used in the affected areas. Chairman Tyrrell asked about the spray application process and how many times the area would need to be sprayed. Mr. Sherman explained only if it grows back next spring, would need to stay on top of it. Mr. Sherman informed the Agency on other towns along the Housatonic using the same measures to eradicate Knotweed which have shown success. Member Newell asked if he had a company in mind for the spraying process. Mr. Sherman stated "Invasive Plant Solutions" owner

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

Christian Allen, emphasizing this company worked closely with the other towns that had a high success rate. Member Werner stated he would like to have more specific information on the herbicide being used. Chairman Tyrrell requested Mr. Sherman to provide information on the letter head of the spray company indicating the content of the herbicide, the rate of application and credentials/licensing of the company and bring the information to the Land Use Office. The Agency briefly discussed the pros and cons of digging up the invasives, noting then disposal also becomes a matter of concern. Chairman Tyrrell asked staff to prepare a Draft Approval upon submission of the information for the next meeting.

**23-IW-0017 – 212 Brushy Hill Road / Map 42, Lot 5C-2 / OS-100 District**

**Peter K. Wols and Kelly Kilmartin-Wols (applicant/owner)**

**Installation of inground pool (40' x 16') and surrounding patio, including temporary construction access.**

The owners presented on their own behalf and described for the Agency their proposal to install an inground swimming pool. Member Gillette asked if it was determined how much of the proposed pool would encroach into the regulated area with the patio and the stone wall. Peter Wols stated the stone wall will be graded with the property slope and was drawn further than its going. Mr. Wols stated, his future plans for the pool are to enclose it within a building (not proposed at this time), to ensure all season use. Member Gillette asked if or when Mr. Wols decides to enclose the pool if it will be further into the setback. Mr. Wols ensured it will not be further into the setback but will need access to complete the construction when the time comes. Chairman Tyrrell asked if Mr. Wols had any plans to build a pool house or any other structures. Mr. Wols said he does not. It was confirmed that no additional trees were needed to be removed. Access to construct the new pool would be around the house to avoid the existing septic system. The disturbance for access would be temporary and restored post construction. Mr. Wols stated there's an old satellite on the property within the setback that he would like to remove from the property. Chairman Tyrrell told Mr. Wols to add the removal of the satellite to the application and it would be added to the approval. A draft approval was requested for next meeting.

**23-IW-0018 – 203 Sprain Brook Road / Map 56, Lot 6 / OS-100 District**

**Ryan Birkenhead (applicant/owner)**

**Installation of driveway extension to access proposed accessory building.**

Mark Reifenhauer from Smith & Company presented and stated the proposed barn would be in the rear portion of the lot. He stated that the barn structure was out of the 100-foot regulated area and the only thing in the regulated area would be the access extending from the existing driveway. He stated the access has been previously used in the past for drilling a well in the rear of the property, and they would be using the same access route. Member Newell asked about tree clearing. Mr. Reifenhauer stated most of the trees being removed are Oak trees between 6-12" diameter about 4-5 trees. He stated some smaller saplings will also need to be removed those are about 1-2" in diameter, many are out of the regulated area. Chairman Tyrrell asked about the tree house, to which Mr. Reifenhauer said he is not sure when it was constructed but it was sometime after 2012. A memo from the Town Planner was noted and the applicant indicated they received it but had not yet addressed the comments. It was also noted that one of the comments was a threshold zoning issue and that additional accessory structures may not be permitted as coverage of existing accessory structures may already exceed that which is permitted. Chairman Tyrrell indicated the applicant will need to address that. A Site Walk was scheduled for Sunday, July 23<sup>rd</sup> at 9:00 AM.

**21-IW-2137 – A1 – 15 Woodside Circle / Map 56, Lot 16-3 / OS-100 District**

**CT Clinical Services, Inc (applicant), David Vieau (owner), Ron Wolff, PE (agent)**

**Modify existing Wetland/Watercourse Permit 21-IW-2137 to enlarge stone patio to rear of new recreation building and add a concrete walkway.**

Ron Wolff, PE presented the proposed modifications to the prior approved plans but stated that the Building Plans for the Building Permit had the 15 x 46 ft patio on them, but the Wetland Permit Site Plans did not. Ron Wolff stated that the other proposed revision was an addition of concrete walkway to connect the driveway and parking

to the patio. Mr. Wolff stated that the site is stabilized, and grass is growing, and the work has all been completed. Mr. Wolff stated the builder went off the Building Plans not the Site Plan and the mistake fell through the cracks. Chairman Tyrrell requested staff to prepare a Draft Approval for the next meeting.

*Chairman Tyrrell adjusted the agenda to move the matter of Hollow Park under Enforcement up on the agenda.*

**Hollow Park / Map 36, Lot 68A and Map 103, Lot 13 / R-40 and OS-80 Districts / Town of Woodbury  
Tree and Scrub Vegetation Cutting within a regulated area.**

Jami Gore, Director of Parks and Recreation stated the area requiring remediation is down by the river between the parking areas. Ms. Gore stated this remediation was due to tree cutting and removal of plantings without the appropriate approvals. Ms. Gore stated that she met with Bud O'Neal, Tree Warden to discuss a plan for remediation. Mr. O'Neal stated that the area has become very overgrown, and in order to create a remediation plan and measure the area, they would like the Agency to allow them to trim the area back (mow the area) a little. Mr. O'Neal stated that the area is overgrown with invasive species of plants such as Japanese Knotweed, Mugwort, Devils Walking Stick, Gout Weed, Chick Weed, and Woodland Lettuce. Mr. O'Neal stated also present are Ragweed, Poison Ivy, Poison Sumac and Sunflowers. Mr. O'Neal said the first step would be to address the Knotweed. Member Newell wanted to confirm the next steps. Ms. Gore said the next steps would be to clear out the invasives to measure and create a plan. Chairman Tyrrell requested a drawing to show where the plantings would be and where the work is being done. Mr. O'Neal said the trees that will be planted will be Red Maple, Red Oak, Sycamore, and Sugar Maple. The Agency agreed to the one-time trimming of the area in order to help plan and prepare a remediation plan. Mr. O'Neal also noted they are considering using a herbicide that does not include Glyphosate, a new chemical that has shown success. The concern of the herbicides being sprayed where the public may go is also a concern and should be addressed on the plan to keep the public away from area after the chemicals are sprayed. The plan also needs provide details of the areas affected, to be sprayed, to be replanted, how replanted, break down details of any chemical sprays and the professional spraying, schedule, program, and plan sequencing.

*The Agenda order was resumed as originally posted.*

**PENDING APPLICATIONS / DELIBERATIONS**

**23-IW-0015 – 39, 43, 47, 51 Sherman Hill Road / Map 102, Lot 29 / MQ District / Jeffrey Miller (applicant);  
Cornerstone Professional Park Association, Inc. (owner) / Streambank remediation**  
This item was tabled.

**23-IW-0011 – 48 Old Sherman Hill Road / Map 102, Lot 30B / OS-60 District / Jeffrey and Karen Miller  
(owner/applicant) – Amending open approval 22-IW-0010 / Install one 120-gallon above ground propane  
storage tank; stone retaining walls and patios.**  
This item was tabled.

**ENFORCEMENT & WETLANDS UPDATE**

**23-ENF-0002 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco**  
**NV – Unauthorized site activities (including excavation, deposition and alteration of ground coverage and  
contours, as well as drainage conditions) involving installation of second access driveway within a regulated  
area absent required permit.**

The applicants were not present for the discussion. It was reminded about the time frame it is taking for remediation and discussion about what is the "original state" that it should be returned to. This item was tabled.

**Chohees Trail / Map 44, Lot 18 / OS-100 District / TRP Farms, LLC**

**NV – Tree Cutting, Deposition of Materials and Excavation within a regulated area.**

Rich Lamothe, Public Works Director was not present as requested. Chairman Tyrrell requested a letter from the Agency be sent to Mr. Lamothe formally requesting his attendance at the next meeting, with a copy to TRP Farms, LLC (property owner also involved) and the First Selectman.

**18-IW-1621 – 614 Main Street South / Map 102, Lot 25 / MQ District / Napoli Woodbury LLC**

**IWWA Review of Constructed Site Conditions / Bond Status – Dollar General.**

No new information has been received and no representative came to the meeting. The Agency indicated that it expects a representative to come to its meeting to discuss the barrier fencing and the latest Invasive Species report.

**22-ENF-0015 – Minortown Road / Map 10, Lot 9 / OS-60 District / Raymond Hardisty and Janet Lawson**

**NV – Unauthorized site activity (including excavation, deposition and alteration of ground coverage and contours, as well as drainage conditions) within a regulated area.**

It was noted by staff that this item has been sent to Court.

**Other:**

Chairman Tyrrell discussed briefly, the list of applications indicating a need to update the status of each and perhaps have some items removed if completed. The Agency expressed a desire for Teixeira of 466 Flanders Road to provide an update, as well as Teittinen of 575 Washington Road; McClintock of 237 Washington Road (noting stone base is installed but not sure if to plan); and Old Town Farm Road pool.

**ADMINISTRATIVE**

**Meeting Minutes – 06/12/23**

To approve Regular Meeting minutes of the June 26, 2023, as presented.

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

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

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

**REGULATION REVIEW**

Chairman Tyrrell stated any changes that we want to make to the regulation we need to discuss, discussion of setbacks, if so, how much. Mrs. Tyrrell discussed the option of changing the Wetlands Regulated Setback to 200-feet. Chairman Tyrrell stated the Regulations should get done as soon as possible as DEEP needs to approve them. Member Richards asked if it would be helpful to add the Regulations to the future agenda. Chairman Tyrrell requested the Regulations be on the future agendas until they are closer to agreed changes.

**CORRESPONDENCE**

None

**PRIVILEGE OF THE FLOOR**

None

**ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 9:06 p.m., made by Member Newell with no objections.

**Filed Subject to Approval**

Respectfully Submitted

*Allie Bourgoin*

Allie Bourgoin, Clerk

RECEIVED & FILED  
IN WOODBURY, CT  
This 12<sup>th</sup> day of July 2023  
at 11:00 o'clock AM  
*Anna Mancini*  
Town Clerk