

Town of Woodbury

Inland Wetlands and Watercourses Agency

281 Main Street South
Woodbury, CT 06798

203.263.3467 ▪ www.woodburyct.org

MINUTES – JULY 11, 2022

REGULAR MEETING

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

MEMBERS PRESENT

Earl Gillette
Mary Tyrrell
Don Richards
Kyle Turoczi

MEMBERS ABSENT

Wes Clow
Michael McAloon
Ernest Werner
Marty Newell

NOTED OTHERS PRESENT - Town Planner Agresta, applicants and applicant representatives.

OPENING OF MEETING

- **Call to Order**
Chairman Tyrrell convened the regular meeting at 7:34 pm.
- **Seating of Members / Alternates**
Seated for the meeting were regular members Turoczi, Tyrrell and Alternates Gillette and Richards.
- **Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)**
Chairman Tyrrell reminded the Commission of Conflict of Interest; no member expressed a conflict with any matter on the agenda.

PENDING APPLICATIONS DELIBERATIONS

- None

PENDING APPLICATIONS DELIBERATIONS

22-IW-0015 – 1068 Main Street North / Map 10, Lot 42 / OS-60 / William C. Hildreth

Discharge in late May 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.

With the applicant's absence, this item was tabled to the next meeting.

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

22-IW-0020 – 15 Blueberry Lane / Map 77, Lot 71C-3 / OS-60 / Jeremy H. D’Amico

Proposed construction of portion of driveway, underground utilities, roof stormwater chambers and associated site clearing and grading within regulated 100-foot upland review area.

Ron Wolff was present for the application. Mr. Wolff summarized his letter assessing the adequacy of the existing culvert crossing within the existing driveway. The Agency had no further questions.

MOTION:

To approve 22-IW-0020 / 15 Blueberry Lane / Map 77, Lot 71C-3 / OS-60

Construction of portion of driveway, underground utilities, roof stormwater chambers and associated site clearing and grading for a new house within regulated 100-foot upland review area. Jeremy H. D’Amico (owner/applicant)

Made by RICHARDS, Seconded by TUROCZI

Vote: 4-0-0 – Approved – Motion Passed

Ayes Tyrrell, Turoczi, Gillette, Richards

Nays None

Abstain None

22-IW-0013 – 45 South Pomperaug Ave / Map 102, Lot 14 / OS-80 / Nova Development LLC

Proposed 5-bedroom single family house partially located within 100-foot upland review area.

The property owner was present. Chair Tyrrell inquired about the requested note to be added regarding the proximity to the vernal pool previously identified on an adjoining lot to the north. Planner Agresta said the note was not added but that as part of the draft Resolution for the Agency’s consideration this evening was a requirement to add such notation on the final plans. The Agency had no further questions.

MOTION:

To approve 22-IW-0013 – 45 South Pomperaug Avenue / Map 102, Lot 14 / OS-80

Limited and minor site clearing and grading associated with the construction a new house within a regulated 100-foot upland review area. Nova Development LLC (owner/applicant)

Made by GILLETTE, Seconded by RICHARDS

Vote: 4-0-0 – Approved – Motion Passed

Ayes Tyrrell, Turoczi, Gillette, Richards

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.

Chair Tyrrell noted an email that was received from the property owner, that the owner was still coordinating with its consultants to provide a response to the Agency on the remaining aspects subject to the enforcement action. The item was tabled to the next meeting.

Other enforcement matters discussed:

- Chair Tyrrell noted that enforcement action 22-ENF-0011 should be added back to the agenda for updates on the implementation of remediation.
- 575 Washington Road: The memo from the Land Use Enforcement Officer summarizing the status of remediation was discussed, noting that all but one pile of wood was left to be removed, which will require a professional hauler.
- 877 Washington Road: Noted correspondence recently sent has yet to be responded to.
- 93 Weekepeemee Road: The Agency asked if anything new has happened as they have not heard as to the status of the legal action since the Town Attorney last inquired if the Agency wanted to walk the site.

MINUTES

- June 27, 2022 Meeting Minutes

MOTION:

To approve minutes of June 27, 2022 meeting as presented.

Made by TUROCZI, Seconded by GILLETTE

Vote: 4-0-0 – Approved – Motion Passed

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

CORRESPONDENCE

Just the memo from the Land Use Enforcement Officer discussed above under Enforcement.

PRIVILEGE OF THE FLOOR

- None

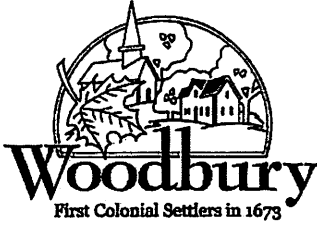
ADJOURNMENT

Upon polling of the Agency and hearing no objections, the Chair adjourned the meeting at 8:00 pm.

RECEIVED & FILED
IN WOODBURY, CT

This 13th day of July 2022
at 10:45 o'clock AM

Maria M. Mancini
Town Clerk



Town of Woodbury

Inland Wetlands and Watercourses Agency

281 Main Street South
Woodbury, CT 06798

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WETLANDS / WATERCOURSES PERMIT APPROVAL

Date of Approval	July 11, 2022
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Permit Expiration*	July 11, 2027
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*If regulated activities and conditions of approval are not completed accordingly

Applicant: **Jeremy H. D'Amico**
Owner: **Jeremy H. D'Amico**
Application: **22-IW-0020**
Project: **Construction of portion of driveway, underground utilities, roof stormwater chambers and associated site clearing and grading for a new house within regulated 100-foot upland review area.**
Address: **15 Blueberry Lane**
Map/Lot: **77/71C-3**
Zone: **OS-60 District**

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application 22-IW-0020 as submitted by Jeremy H. D'Amico (applicant/owner) in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury ("Regulations") seeking a Wetlands/Watercourses Permit ("Permit") to construct a portion of driveway, underground utilities, roof stormwater chambers and associated site clearing and grading for a new house within regulated 100-foot upland review area on property consisting of approximately 5.15 acres located at 15 Blueberry Lane within an OS-60 Zoning District, as shown on Assessor Map 77, Lot 71C-3; and

WHEREAS, the following mitigation measures are proposed:

- Controlled temporary construction access;
- Erosion and sedimentation controls during construction;
- Post construction stormwater infiltrators; and

WHEREAS, application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Letter from Wolff Engineering assessing adequacy of existing culvert crossing, 07/08/22;
- Site Plan & Subsurface Sewage Disposal Plan, Wolff Engineering, 09/20/21, revised 06/15/22;

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 direct disturbance is proposed to wetlands or watercourses (existing driveway culvert crossing previously installed as part of original subdivision wetland permit approval);
- 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;
- 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-0020 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 applicant shall provide two (2) copies of **Final Plans** for endorsement as “approved” by the Agency / Town Planner, revised as follows:
 - a. Add a full copy of this approval on the Final Plans.
 - b. Add the following note:
***22-IW-0020 – Approval Date: July 11, 2022 – Expiration Date: July 11, 2027
If regulated activities and conditions of approval are not completed accordingly.***
2. In accordance with Section 13 of the Woodbury Inland Wetlands and Watercourses Regulations, a Site Remediation / Soil and Erosion Control Bond in the amount **one-thousand (\$1,000.00) dollars** shall be submitted to the Land Use Office in a form and content as acceptable by the Town. The bond shall remain in full force and effect until such time as the bond is released by the Town.
3. 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**

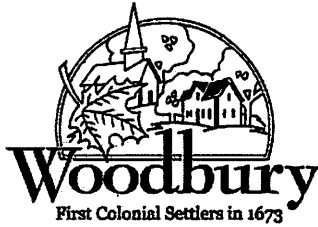
B. Conditions During Remediation Construction

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 Construction Compliance and Permit Closure

1. **As-Built Plan** – Upon completion of the approved regulated activities, an As-Built Plan detailing and certifying the completed improvements shall be provided by the applicant in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final plans.
2. **Final Inspection** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to the following:
 - All improvements shall be completed consistent with the approved final plans, and mitigation landscaping shall be installed, stable and exhibit healthy growth conditions.
 - Provision of a Professional Engineer certification that the drainage improvements have been installed in accordance with the final Site Plans and are functioning as designed.
 - The site shall be cleaned of construction related equipment, materials and debris.
 - All disturbed areas shall be stabilized and exhibit healthy vegetative cover.
 - All erosion controls shall be appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.
3. **Bond Release** – Upon written request by the applicant following completion of all approved work consistent with the approved final plans and verification the site is stabilized to the satisfaction of the Land Use Office, the Land Use Office may release the bond (subject to submission of an adequate As-Built Plan detailing and certifying the completed improvements).
4. **Drainage Improvements** – Discharge of drainage from the new improvements shall be controlled to prevent erosion. The proper and timely maintenance of the drainage improvements shall be a condition of continued compliance.
5. **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.
6. **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 RICHARDS, seconded by TUROCZI
 Ayes Tyrrell, Turoczi, Gillette, Richards
 Nays None
 Abstain None



Town of Woodbury

Inland Wetlands and Watercourses Agency

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WETLANDS / WATERCOURSES PERMIT APPROVAL

Date of Approval	July 11, 2022
Permit Expiration*	July 11, 2027

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

Applicant: Nova Development LLC
Owner: Nova Development LLC
Application: 22-IW-0013
Project: Limited and minor site clearing and grading associated with the construction a new house within a regulated 100-foot upland review area.
Address: 45 South Pomperaug Avenue
Map/Lot: 102/14
Zone: OS-80 District

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application 22-IW-0013 as submitted by Nova Development LLC (applicant/owner) in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury ("Regulations") seeking a Wetlands/Watercourses Permit ("Permit") for limited and minor site clearing and grading associated with the construction a new house within a regulated 100-foot upland review area on property consisting of approximately 3.424 acres located at 45 South Pomperaug Road within an OS-80 Zoning District, as shown on Assessor Map 102, Lot 14; and

WHEREAS, the following mitigation measures are proposed:

- The house footprint is held completely outside of the regulated 100-foot upland review area;
- Temporary construction access;
- Erosion and sedimentation controls during construction;
- Post construction stormwater drainage discharge to a velocity dissipater upgrade of the regulated 100-foot upland review area limits; and

WHEREAS, application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Site / Septic Plan, Michael J. Mazzucco, P.C., 04/20/22, revised 06/27/22;

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 direct disturbance is proposed to wetlands or watercourses;
- 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;
- 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-0013 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 applicant shall provide two (2) copies of **Final Plans** for endorsement as “approved” by the Agency / Town Planner, revised as follows:
 - a. Add a full copy of this approval on the Final Plans.
 - b. Add the following notes:
 - ***22-IW-0013 – Approval Date: July 11, 2022 – Expiration Date: July 11, 2027
If regulated activities and conditions of approval are not completed accordingly.***
 - ***A wetland vernal pool has previously been identified within the site wetlands on an adjoining lot and similar habitat may exist within the portion of wetlands on the property. Activities within 500 feet of a vernal pool are regulated in addition to that within 100 feet of wetlands.***
2. In accordance with Section 13 of the Woodbury Inland Wetlands and Watercourses Regulations, a Site Remediation / Soil and Erosion Control Bond in the amount **one-thousand (\$1,000.00) dollars** shall be submitted to the Land Use Office in a form and content as acceptable by the Town. The bond shall remain in full force and effect until such time as the bond is released by the Town.

3. 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.
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4. **Drainage Improvements** – Discharge of drainage from the new improvements shall be controlled to prevent erosion. The proper and timely maintenance of the drainage improvements shall be a condition of continued compliance.
5. **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.
6. **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 GILLETTE, seconded by RICHARDS
 Ayes Tyrrell, Turoczi, Gillette, Richards
 Nays None
 Abstain None