



# 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)

---

REGULAR MEETING MINUTES - July 22, 2024 – 7:30 PM  
Senior/Community Center - 265 Main St. South, Woodbury, CT 06798

---

### MEMBERS PRESENT

Mary Tyrrell, Chair  
Marty Newell, Vice Chair  
Timothy Pabst, Alternate  
Kyle Turoczi, Secretary  
Don Richards  
Ernest Werner  
Earl Gillette, Alternate

---

### MEMBERS ABSENT

Michael McAloon, Alternate

---

**NOTED OTHERS PRESENT** – Will Agresta (Town Planner), Andrew Peklo, Ted Tietz, Jr., Vince LaFontain, Nicholas Bennett, Zachary Lessard, and Hiram Peck

### OPENING OF MEETING

Call to Order – The meeting commenced at 7:32 p.m.

Seating of Members / Alternates – Seated for the meeting were regular members Newell, Richards, Turoczi, Tyrrell and Werner.

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

### NEW APPLICATIONS

**24-IW-0020 – 199 Westwood Road / Map 38, Lot 47 / OS-100 District / Jan M. Wruck (owner/applicant), Andrew Peklo, AIA (agent) / Within regulated upland review area: Construction of one-story residential addition (adding bedroom, bathroom, and laundry space) measuring 416 sf (16'x26').**

Andrew Pecklo was present representing the property owner. Mr. Pecklo explained a one story addition is proposed to an existing home. The topography of the property was shown, there is a hill that goes up to the location of a pond at the top. The location of the septic system was also shown. Plans were reviewed by the Agency and the location of the house was discussed. The construction area is noted on the plan. A few trees will need to be removed. A fair amount of material will need to be removed to bring the addition to the same level as the existing house. A rendition of what the addition will look like is in the file. The addition has been approved by the Health Department. Member Turoczi expressed no concern, that there is no impact. It was confirmed that the existing stone wall would not be breached. Planner Agresta stated that an Erosion Control Plan and Drainage Plans need to be submitted. Mr. Peklo stated that gutters and infiltrators could be used to direct the water away from the septic. Members can drive by the property, any questions should be relayed to the Land Use Office so that Mr. Peklo could respond prior to the next meeting. A draft motion was requested for the next meeting.

**24-IW-0021 – Quassuk Road (Parcel C / Pond Parcel) / Map 90, Lot 11 / OS-60 District / Theodore Tietz, Jr. (applicant/owner) / Earth Excavation Activities consistent with Zoning Special Permit (renewal) 23-ZC-0020, extending prior Wetland/Watercourse Permit 19-IW-1910.**

Ted Tietz, Jr. was present for the discussion. They are looking to extend a prior Inland Wetlands permit approval for pond completion. The property location was shown on the GIS. This is an application that has been going on for quite a while. Mr. Tietz noted that they are halfway to completion. The market is not great at this time, and they do not want to upset the neighborhood. There have been no complaints with the activity. It is a small operation. Members questioned where the dewatering materials will go. They will dewater on site and then move to the other parcel once it has dried out.

A site walk was scheduled for August 11, 2024, at 9:00 a.m. Those attending should meet at Mr. Tietz’s house, 183 Quassuk Road and they will go to the pond parcel from there.

**PENDING APPLICATIONS / DELIBERATIONS**

**24-IW-0019 – Carmel Hill Road / Map 58, Lots 1 & 1B / OS-100 District / Flanders Nature Center and Land Trust Inc. (applicant/owner) – Marzahl Refuge / Within regulated watercourse (Carmel Hill Brook) and upland review: Stream bank erosion maintenance at pedestrian wooden bridge.**

Chairman Tyrrell reminded the Agency of the application details. Members did not have further questions. A draft motion was reviewed by the Agency. Chairman Tyrrell questioned the timeframe in the approval. The work needs to be completed in the timeframe noted, should they finish the work and additional work is required afterwards, it would need a new application.

**MOTION:**

To approve 24-IW-0019 (Carmel Hill Road / Map 58, Lots 1 & 1B / OS-100 District / Flanders Nature Center and Land Trust Inc. (applicant/owner) – Marzahl Refuge / Within regulated watercourse (Carmel Hill Brook) and upland review: Stream bank erosion maintenance at pedestrian wooden bridge).

Moved by **NEWELL**, Seconded by **WERNER**

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

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

*Member Turoczi recused himself, was unseated and left the room. Alternate Pabst was seated.*

**23-IW-0021 – 75 Grassy Hill Road / Map 50, Lot 55-4 / OS-80 District / Jeffery and Tracey Peck (owner) / Modification of January 22, 2024, Wetlands / Watercourses Permit Approval – Seeking acceptance of minor site plan field changes, including requested modification of Condition B.4.a by changing the designated monitor from “William Kenny, PWS, PLA of William Kenny Associates” to Lisa Turoczi, Designer and Co-owner of Earth Tones LLC.**

The request is to change the designated monitor and to obtain approval for minor site changes made during the course of the project. A letter from Earth Tones, LLC was read for the record indicating the status of the project and minor changes that were made to the approved plan. Members consensus was that the changes made were minor. The fence was moved closer to the pool and adjusted by the pickle ball court. Member Newell questioned how the erosion by the shed was resolved, photos of the site of the shed were reviewed. The area has been stabilized; the pad is now established. Members expressed no concerns with the changes that were made.

**MOTION:**

To accept the changes (to 23-IW-0021 – 75 Grassy Hill Road / Map 50, Lot 55-4 / OS-80 District / Jeffery and Tracey Peck (owner) / Modification of January 22, 2024, Wetlands / Watercourses Permit Approval – Seeking acceptance of minor site plan field changes, including requested modification of Condition B.4.a by changing the designated

monitor from “William Kenny, PWS, PLA of William Kenny Associates” to Lisa Turoczi, Designer and Co-owner of Earth Tones LLC) as noted in the Earth Tones LLC letter of July 13, 2024.

Moved by NEWELL, Seconded by PABST

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

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

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

**ENFORCEMENT & WETLANDS UPDATE**

**24-ENF-IW04 – 544 Old Sherman Hill Road / Map 2, Lot 5 / OS-80 / Nicholas Bennett / Notice of Violation – Unauthorized and non-permitted driveway installation, parking/storage area, vegetation clearing and grading, dumping of tree stumps/debris and storage of contractor materials and equipment within wetlands/watercourses upland review area.**

Nicholas Bennett was present for the discussion. Mr. Bennett explained that this has been an existing driveway/roadway that was there before he bought the property and that people have always dumped debris back there. It was confirmed that Mr. Bennett bought the property in 2019. A 2016 photo was shown to the Agency of the gated area, a pile of debris is visible in the background. Member Richards questioned the reason for the large 20 ft. long pipe, Mr. Bennett responding that it was for a job he was doing, it has since been removed. It was stored there temporarily. He does not intend to expand going further back than he already has gone with disturbance and grading. He is using the area for storage of items/equipment for work and uses it for dumping of debris and materials, he also allows neighbors to dump their debris there as well. Mr. Bennet stated that he is not currently using it for his business.

Planner Agresta noted that he has noticed the area get progressively worse and viewed it as a contractor’s yard. Mr. Bennett noted that they originally used the area for their business, however, it did not meet their needs and they have since moved all their commercial equipment to a new location in Oxford. Planner Agresta noted that the area is now more pronounced and appears to be used more frequently now. Mr. Bennett refuted that it is not a contractor’s yard, he is using his own equipment on his own property.

The wetlands setback was questioned. There is a stream shown in the photos. Member Richards noted that it looks like there are wetlands that appear to have been filled in. The location of the area of concern was shown on the GIS. The wetlands soils overlay indicates wetlands on a good portion of the property. It was explained deposition of material and digging within 100 ft. of the wetlands soils is regulated and limited by the Agency. Mr. Bennett did not understand that even organic materials would be an issue or would be considered fill in a wetlands area.

It was asked that Mr. Bennett provide a site drawing to scale showing what his plan is for this area (where materials would be deposited, storage would take place, stone would be placed, etc.). Once the Agency has a plan, they can discuss it with him as to any concerns.

Mr. Bennet noted that much of the materials have already been removed. Sometimes the debris is temporarily placed there due to storms to be moved to the dump at a later time. The material is yard waste (dead trees, invasive removal, yard clean up debris). There is no intent to go further back into the property.

Mr. Bennett requested guidance and suggestions of what would be acceptable for use of areas of his property, as much of the property appears to be regulated. It was suggested that Mr. Bennett contact a wetlands specialist, review the property with him and come up with ideas.

A site walk was scheduled for August 11, 2024, at 10:00 a.m., immediately following the previously scheduled site walk.

**24-ENF-IW02 – 83 Park Road / Map 103, Lot 36A / OS-60 District / Zachary Lessard / Unauthorized tree removal, timber storage, equipment/business storage, active accessways through regulated areas and land/ground disturbance within wetland/watercourse.**

There was no one present for discussion and no new information was received. This item was tabled.

The following items were tabled:

- **23-ENF-IW05 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett**  
Unauthorized driveway installation.
- **23-ENF-IW06 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba**  
Unauthorized driveway installation.
- **23-ENF-0002 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco**
- **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.

**ADMINISTRATIVE**

**Regular Meeting Minutes – 07/08/24**

**MOTION:**

To accept the Minutes of the July 8, 2024, meeting as written.

Moved by **NEWELL**, Seconded by **WERNER**

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

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

**24-ENF-IW02 – 83 Park Road / Map 103, Lot 36A / OS-60 District / Zachary Lessard / Unauthorized tree removal, timber storage, equipment/business storage, active accessways through regulated areas and land/ground disturbance within wetland/watercourse.**

Zachary Lessard arrived at the meeting; the agenda was rearranged to accommodate the discussion. Mr. Lessard updated the Agency that all of the logs have been removed. He is working on obtaining the trees and shrubs discussed and approved previously by the Agency. He anticipates getting the trees and shrubs this week and getting them installed this coming weekend. The Agency requested that Mr. Lessard keep them informed of the progress.

**Regulation Review**

**Draft Inland Wetlands and Watercourses Regulations**

The draft regulations are ready to go out for review. Chairman Tyrrell contacted the First Selectman in an attempt to get funding to use Attorney Janet Brooks to review the draft regulations. An estimated cost will be required, Planner Agresta will contact Attorney Brooks to obtain a cost estimate.

Funding for the GIS updating was also requested from the First Selectman. Planner Agresta will be submitting details for what they are requesting in order to get an estimated cost to update the GIS mapping with what the Agency is looking for.

Chairman Tyrrell noted that in the past there was an Inland Wetlands Agency line item in the budget and suggested that they add it back in to the next budget.

**Draft Forest Practices Regulations**

Members reviewed the draft Forest Practices Regulations.

Alternate Pabst questioned the 100 ft. buffer area, this is not always applicable when doing selective harvesting only taking out select trees. Access to these areas can be very narrow. He explained to the Agency how foresters go about tree removal and dropping trees.

Chairman Tyrrell explained that these are guidelines, applications will need to be submitted and these items would be reviewed with each individual application.

Member Turoczi felt the regulations are missing mention of invasive species. Invasives need to be identified for control. Timber harvesting causes disturbance making it easier for the invasives to spread.

Alternate Pabst also noted that setting a date to get the work done depends on the timber market and weather. This should be taken into consideration. The Agency could work around the timeframe or renew.

Chairman Tyrrell asked members to review the Draft Forestry Regulations in more detail and prepare any questions for the next meeting.

**CORRESPONDENCE** - None

**PRIVILEGE OF THE FLOOR** – Member Richards questioned what was going on with the contamination occurring at Edon Acres.

**ADJOURNMENT**

**MOTION:**

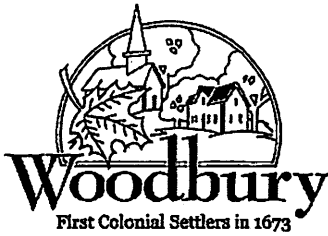
To adjourn the meeting at 8:55 p.m.

Made by **NEWELL** with no objections.

Respectfully submitted,

*Anne Firlings*

Anne Firlings, Inland Wetlands & Watercourses Agency Clerk



**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)

**WETLANDS / WATERCOURSES PERMIT APPROVAL  
CARMEL HILL ROAD (Marzahl Refuge) – 24-IW-0019  
Stream Bank Erosion Maintenance at Footbridge Crossing  
Flanders Nature Center and Land Trust, Inc. (owner/applicant)**

Date of Approval	July 22, 2024
Permit Expiration*	July 22, 2026

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

Applicant	Flanders Nature Center and Land Trust, Inc.
Property Owner	Flanders Nature Center and Land Trust, Inc.
Application	24-IW-0019
Project	Within regulated watercourse/wetland and regulated upland review area: Stream bank erosion maintenance at footbridge crossing.
Address	Carmel Hill Road, Assessor Map 58, Lots 1 and 1B
Site Acreage	10.45 acres (Lot 1) and 33.66 acres (Lot 1B)
Zone	OS-100 Zoning District

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application **24-IW-0019** as submitted by the applicant/owner listed above in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury (“IWWA Regulations”) seeking a Wetlands/Watercourses Permit (“Permit”) to implement the “project” as described above; and

WHEREAS the following mitigation measures are proposed:


- Work will be performed during seasonal dry period (August).
- Maintenance work includes removal of fallen trees and woody debris upstream of footbridge.
- Maintenance work seeks to stabilize the stream banks with use of existing rocks at the site.
- Erosion and sedimentation controls as warranted will be maintained during construction; and

WHEREAS application materials received include the following:

- Application for Inland Wetlands Agency Permit
- Project Narrative Letter, Civil 1, 01/24/24
- C 1.1 – Existing Conditions, Civil 1, 06/17/24
- C 1.2 – Pedestrian Bridge Maintenance and Restoration Plan, Civil 1, 06/17/24
- Site Photos (Pictures 1 through 6); and

Approved by Inland Wetlands & Watercourses Agency

Approval Date: 7/22/24

Signature: 

Town Planner

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

- No significant adverse off-site impacts are anticipated.
- Site disturbance during stream bank erosion maintenance will be short term.
- Site disturbance impacts can be further mitigated by the conditions listed below and the proper use and maintenance of soil erosion and sedimentation controls as may be warranted and/or required.
- 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 §10 of the Regulations following deliberations hereby approves application 24-IW-0019 as described above, subject to 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 §11.4 of the IWWA 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 endorsed as “approved” subject to the following modifications and conditions:

**A. Prior to Commencement of any Work or Site Disturbance**

1. **Final Plans** – The plans presented shall be endorsed as “approved” by the Agency / Town Planner.
2. **Other Required Approvals** – No work shall be authorized to commence absent securing all required approvals. Other required approvals shall be separately obtained by the applicant and copies thereof shall be provided to the Agency office for inclusion in the permit record file.
3. In accordance with §13 of the IWWA 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.

**B. Conditions During Construction**

1. All stream bank erosion maintenance work shall be conducted during a seasonal dry period (August).
2. Prior to commencement of any site work or site disturbance, the limits of disturbance shall be clearly marked in the field to the satisfaction of the Land Use Office 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 to the satisfaction of the Land Use Office 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.
3. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and shall be promptly notified as to any issues or potential deviations in completing the site work as designed and approved, so either appropriate minor field changes may be authorized by the Land Use Office or the need for a new or modified permit approval can be identified.

4. The following shall be followed in relation to the project:
  - No ground disturbance beyond that shown on the final approved plans is authorized.
  - Ground disturbance shall be contained and maintained to the minimum necessary to complete the authorized maintenance improvements.
  - Erosion and sedimentation controls as may be needed shall be installed and maintained, and additional controls may be required at the direction of the Land Use Office if deemed necessary.
  - Cutting of trees shall be avoided to the extent practicable and to dead trees and saplings only.
  - Removed cut trees, storm carried tree trunks and related wood debris shall be relocated within the property away from the stream corridor and in areas where the trees and woody debris will not re-enter into the stream corridor or damage established ecological communities. There shall be no burying of any tree trunks, stumps or other woody debris including but not limited to branches, wood chips and the like. Relocated trees and woody debris shall be left to decompose in place.
  - Existing stone cobbles/boulders shall be used to reinforce the stream bank – surface stone cobbles/boulders are to be used first and the need for substantive digging or excavating for such shall be avoided.
  - Following construction, all access paths shall be reestablished to original condition.
5. Construction vehicles/equipment not in use shall not be stored, and at no time shall such be washed out, within a wetland/watercourse or regulated upland review 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.
6. Construction stockpiles and staging shall not be within a wetland/watercourse or regulated upland review area. The site shall be kept clean of all loose debris, litter, and similar materials to prevent such from entering wetlands/watercourses. Silt fencing and other site erosion and sedimentation controls shall be regularly maintained and any silt build-up along the fence line shall be promptly removed and placed as acceptable fill in areas outside of regulated area and where such will not allow the material to migrate.
7. Disturbed soils shall be stabilized in a timely fashion, particularly to avoid/minimize erosion impacts. 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.
8. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of wetlands/watercourses or regulated 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.



**C. Post Construction Compliance and Permit Closure**

1. **Final Inspection Required** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion (**final sign-off and permit closure**) of the approved regulated activities, subject to the following:
  - Submission of 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.
  - Provision of a Professional Engineer certification that the improvements have been installed in accordance with the final plans and are functioning as designed.
  - Verification 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.
  
2. **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 bond may be released by the Land Use Office. The Land Use Office may refer any request for bond release to the Agency.
  
3. **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 IWWA Regulations. Additions or changes to the approved regulated activities shall require prior review and separate approval and permit.
  
4. **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 that as may be permitted. 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 may adjust any held bond.

**MOTION**

Moved by **NEWELL**, Seconded by **WERNER**

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

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

RECEIVED & FILED  
IN WOODBURY, CT  
This 25<sup>th</sup> day of July 2024  
at 7:42 o'clock AM  
*Maria M. Mancini*  
Prin. Clerk