



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

**REGULAR MEETING MINUTES**  
**July 26, 2021 – 7:30 p.m.**  
**Senior/Community Center, 265 Main St. South**

**MEMBERS PRESENT:**

Wes Clow  
Marty Newell  
Kyle Turoczi  
Mary Tyrrell  
Ernest Werner

**ALTERNATES PRESENT:**

Earl Gillette  
Evan Hard  
Don Richards

**ALSO PRESENT:** Richard McClintock, Michael Lattis, Michelle Pakula, Richard Groben, Gary O'Connor and Dan & Michelle Fusco

**REGULAR MEETING**

The meeting convened at 7:30 p.m.

Seated for the meeting were regular members Clow, Newell, Turoczi, Tyrrell and Werner  
Members were reminded of the Conflict-of-Interest Statutes and the Town Charter.

**PENDING APPLICATIONS**

**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 applicants phoned in to state that they were on their way, this item was tabled until their arrival.

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

Richard McClintock was present for the application. New submittals were received. Mr. McClintock explained his drawings in detail. The Agency clarified that the dimensions of the barn in existence today is 186" x 248". Mr. McClintock explained that anything over 200 sq. ft. requires a foundation according to the building inspector. He supplied the Agency with two foundation options. The first being made from field stone with dry laid mortar liquified to fill spaces. The other option, which he prefers, is a shallow foundation which uses insulation. This method uses less excavation, stone and mortar. He has hired a professional engineer. The Agency explained that the applicant needs to determine which foundation he wants to apply for, they do not make that decision. Mr. McClintock needs to spell out exactly what he is proposing to be approved. The decision deadline was questioned as well as the amount of extension time remaining. The Agency needs the dimensions of the original footprint of what is existing right now, which foundation choice is being made, the calculation of how much material needs to be deposited, how much earth is being moved, how much concrete will be used, what type of flooring will be used, and the amount of materials for the floor that will brought in. It was confirmed that the materials from the existing barn will be removed from the property. It was explained that should the existing barn be removed and replaced with a smaller sized shed; a larger barn would not be able to be put back at a later date. The existing barn is grandfathered, so would be allowed at that size/footprint, anything smaller he would lose the size that is grandfathered. It was noted that the deck permit, already approved, is valid for five years. Mr. McClintock will have the information ready for the next meeting.

**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 discussion. Alternate Hard was seated.

An email from Michael Lattis received on July 26, 2021, was read for the record. The grade at the base of the house is 450' above sea level. According to the FEMA map the BFE is somewhere between 444' - 450'. The map does not show the exact location of the house. Based on this information, it appears the 100-year flood would rise to approximately the base of their foundation and the proposed cantilever addition would be above that level by approximately 30". Member Clow questioned the numbers, if the base of the house is at 450' and the 100-year flood is 450, these numbers suggest that the water doesn't rise. The Agency reviewed the drawings provided by the applicant as well as the GIS elevation mapping. Ms. Pakula noted that the house sits on the highest point on the property, well above the steep slope to the river. Members discussed an existing addition that protrudes further out than the proposed. Members questioned if a decision on this application would set a precedent. It was noted that the proposed is a cantilever design, there is no excavation or digging for a foundation and no heavy equipment or machinery will be used. Chairman Tyrrell read from the most recent submittal of July 9, 2021, which shows a bump out of 2'6", the bump out will be fully cantilevered and will extend out a maximum of 30". There will be no excavation or impervious material installed at or below grade. Silt fencing will be installed by hand. Application details were reviewed.

**MOTION:**

To classify the application (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) as summary.

Made by Member Newell, Seconded by Member Werner  
Vote: 4-1-0 (Member Clow opposed)

The draft motion was reviewed by the Agency. Members questioned the status of the previously approved application and whether any of those plans had changed. There was concern with whether stabilization of the drainage and the river area will be done before they begin any of the proposed work as approved on the previous application. Chairman Tyrrell clarified that the work from the previous application will proceed as anticipated starting at the stream edge moving back towards the roadway with the driveway installation exits being done after the stabilization is occurring, which will protect the wetlands. This proposed project (addition) can be commenced, as it is being done by hand. It was explained that any deviation from the original plans, would need to come back before the Agency. The Agency's prior approval was done with the understanding that the proposed work to protect the river would be done prior to activities such as the relocation of the driveway. They want to ensure that they follow through with the activities that had been proposed to protect the wetlands prior to commencing the other activities.

**MOTION:**

**WHEREAS**, the Woodbury Inland Wetlands and Watercourses Agency received an application, 20-IW-2115, submitted by Michael Lattis and Michelle Pakula on May 7, 2021, for the construction of a 100 square foot addition within a regulated area at 877 Washington Road, Woodbury, Connecticut (Map 072, Lot 001); and

**WHEREAS**, the Agency has received the following material:

- a. An application dated and received May 7, 2021;
- b. A revised site plan received May 24, 2021;
- c. A revised site plan and construction plan received dated July 9, 2021;
- d. A revised application received July 12, 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 Michael Lattis and Michelle Pakula, for the construction of a 100 square foot addition within a regulated area at 877 Washington Road, Woodbury, Connecticut (Map 072, Lot 001) as described on the submitted Inland Wetlands and Watercourses Agency application form dated and received May 7, 2021, and revised July 12, 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 condition as approved earlier this year (2021) Application #21-IW-2110 or stabilized in a fashion approved by this Agency.
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 15<sup>th</sup> of any year.

Made by Member Newell, Seconded by Member Werner

The Agency discussed the proposed motion. Alternate Hard expressed concerns with moving forward to approve this application, as the previous application plans may change due to a new contractor being sought. Chairman Tyrrell reminded that this is a separate application and should be considered as such. The applicant is aware that changes to the previous approval would need the Agency's review. Member Newell stated that they are discussing approval of this application for a 30" bump out and it should not get mixed up with the previous approval. Chairman Tyrrell was not overly concerned with the proposed due to the cantilever design and that there would be no foundation and there would be no equipment in the back. Member Clow was concerned with

elevations. Member Werner pointed out that the bump out falls within the existing footprint of the existing house. Member Clow argued that the foundation does not change, but there is still material being added in a flood zone and the Agency does not allow building in a flood zone. It was discussed that it is important that everything is being done by hand with no heavy machinery in the backyard. The bump out is less than three feet and the existing house projects significantly further. The elevation of the cantilever was questioned.

Vote: 3-2-0 (Member Clow and Alternate Hard opposed)  
Motion passed.

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

**21-IW-2123 / Groben / Main Street North / Installation of a Dirt and Gravel Driveway for Farm that will Pass Through Wetland Area / Map 010 / Lot 025A**

Richard Groben was present for the application. A map of the property was distributed to the Agency and is included in the file.

**MOTION:**

To classify the application (*21-IW-2123 / Groben / Main Street North / Installation of a Dirt and Gravel Driveway for Farm that will Pass Through Wetland Area / Map 010 / Lot 025A*) as summary.

Made by Member Newell, Seconded by Member Werner  
Vote: 5-0-0 in favor

A draft motion was reviewed by the Agency. Alternate Richards questioned if emergency vehicles could pass over the crossing. Mr. Groben indicated yes.

**MOTION:**

**WHEREAS**, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-2123 submitted by Richard Groben for “the installation of an agricultural driveway within a regulated area” off Main Street North, Woodbury, Connecticut (010/025A); and

**WHEREAS**, the Agency has received the following material:

- a) An application dated June 27, 2021, and received July 6, 2021;
- b) Owner authorization letter dated June 27, 2021; and

**WHEREAS**, the Agency classified the application as Summary; and

**WHEREAS**, the Agency conducted a site inspection on June 27, 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 Richard Groben for “the installation of an agricultural driveway within a regulated area” off Main Street North, Woodbury, Connecticut (010/025A), as described on the submitted

Inland Wetlands and Watercourses Agency application form dated June 27, 2021 and received July 6, 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 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. Stockpiles of earth materials shall be stored outside the 100' regulated 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. The limits of disturbance shall be clearly marked before construction and the Land Use Office will be given notice 48 hours before construction begins.
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 15<sup>th</sup> of any year.
11. The driveway shall be used for agricultural purposes only.

Made by Member Newell, Seconded by Member Werner

Vote: 5-0-0 in favor

There was brief discussion about the handling of soil and erosion inspections and any wetlands concerns in light of the resignation of Maryellen Edwards.

**21-IW-2124 / O'Connor / 20 Judson Avenue / Construction of an 11' x 12' Addition within a regulated area / Map 104 / Lot 052**

Gary O'Connor was present for the application.

A draft motion of approval was reviewed by the Agency.

**MOTION:**

**WHEREAS**, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-2124 submitted by Robert Guerrero (applicant) on behalf of Gary O'Connor (owner) for "the construction of an 11' x 12' addition to the existing house, within a regulated area" at 20 Judson Avenue, Woodbury, Connecticut (104/ 052); and

**WHEREAS**, the Agency has received the following material:

- a) An application dated and received July 9, 2021;
- b) An architectural drawing prepared by Construction Design, LLC and property photographs received July 12, 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 Robert Guerrero (applicant) on behalf of Gary O'Connor (owner) for "the construction of an 11' x 12' addition to the existing house, within a regulated area" at 20 Judson Avenue, Woodbury, Connecticut (104/ 052) as described on the submitted Inland Wetlands and Watercourses Agency application form dated and received July 9, 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 15<sup>th</sup> of any year.
11. Prior to construction, the applicant shall submit a site plan to the Land Use office identifying the location of the washout pit and temporary stockpile area (which must be outside the 100-foot setback). Construction shall not commence until the proposed locations have been approved.

Made by Member Turoczi, Seconded by Member Werner

Vote: 5-0-0 in favor

### **NEW APPLICATIONS**

#### **21-IW-2125 / Dan & Michelle Fusco / 197 Minortown Road / Construction of an Inground Swimming Pool Within a Regulated Area / Map 025 / Lot 002A-2**

Dan and Michelle Fusco were present for the application. A site plan was reviewed by the Agency including wetland setbacks. The site was discussed as being fairly level, just slightly sloped. The pool location originally noted on the plans is now being turned to be parallel to the house. No material will be leaving the site, it will be used. It was confirmed that a cartridge filtration system will be used. Silt fencing should be indicated on the plans as well as a notation of the cartridge filter system. A draft motion was requested for the next meeting.

### **OTHER BUSINESS**

#### **Email regarding 877 Washington Road**

A letter was received from Lisa Turoczi regarding no longer representing the homeowners of 877 Washington Road with their project.

### **ENFORCEMENT & WETLANDS UPDATE**

With the resignation of Maryellen Edwards, the Town is looking into using a shared Planner from NVCOG. Enforcement Officers are currently being interviewed. The Land Use Office was requested to keep in communication with the Chairman regarding any wetlands issues/concerns that may arise. Agency members will try to assist in the meantime.

The Enforcement & Wetlands Update was reviewed by the Agency.

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

A letter has not been sent at this time. Alternate Gillette noted that there has been more activity occurring on the site, he is unsure if it is going down the embankment or not. Member Clow stated he saw it going around the building, as well. There is an unprotected pile sitting there. The neighbor is getting his attorney and surveyor involved. Members discussed that any activity that is being done is within the regulated area, it was decided that when the office has a new Enforcement Officer, they would like to pursue enforcement on this property.

#### **21-ENF-0004 / North / 148 Tuttle Road / NV 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**

The Agency thought the work by the Town was complete. The Land Use Office needs to confirm with Public Works, if it's done Mr. North needs to receive a memo noting 30-day notice for the work to be complete.

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

An application was approved earlier in the meeting.

**MOTION:**

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

Made by Member Werner, Seconded by Member Turoczi

Vote: 5-0-0 in favor

**21-ENF-0007 / Foger / 39 Quanopaug Trail / NPV Clearing, Filling and Grading within a Regulated Area / Map 025 / Lot 014-1**

A letter from Mr. Grimm was read for the record. The Agency is awaiting a plan from Mr. Grimm. Once the plan is received, the Agency can conduct a site walk of the site. A memo from the Land Use Office should be sent to Mr. Foger stating that the Agency has received the letter from Mr. Grimm and looks forward to seeing his plans so they can schedule a site walk.

There was brief discussion regarding the status of the Tiettenen project at 575 Washington Road. It was requested that the Land Use Office provide a copy of the approval motion to the Chairman, specifically looking for the dates of completion.

**CORRESPONDENCE - None**

**PRIVILEGE OF THE FLOOR - None**

**CONSIDERATION OF MINUTES – 7/12/2021 Regular Meeting & 7/11/21 Special Meeting**

**MOTION:**

To accept the regular meeting minutes of July 12, 2021.

Made by Member Turoczi, Seconded by Member Werner

Vote: 4-0-1 (Member Newell abstained as she did not see them)

**MOTION:**

To add under Consideration of Minutes the Special Meeting Minutes for site walk/field inspection of July 11, 2021 (Woodlake/Clubhouse Drive)

Made by Member Turoczi, Seconded by Member Newell

Vote: 5-0-0 in favor

**MOTION:**

To approve the minutes of the 7/11/21 Special Meeting

Made by Member Turoczi, Seconded by Member Clow

Vote: 4-0-1 (Member Werner abstained as he was not present at the walk)

**ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 9:35 p.m.

Made by Member Newell



**Filed subject to approval.**

Respectfully Submitted,

*Anne Firlings*

Anne Firlings, Clerk  
Inland Wetlands & Watercourses Agency

RECEIVED FOR RECORD  
July 28 2021 at 3:40 pm  
ATTEST *Maria J. Mancini*  
TOWN CLERK, WOODBURY CT  
ASST.