

Town of Woodbury

Inland Wetlands and Watercourses Agency

281 Main Street South
Woodbury, CT 06798
203.263.3467 ▪ www.woodburyct.org

REGULAR MEETING MINUTES – August 12, 2024 – 7:30 PM
Senior/Community Center - 265 Main St. South, Woodbury, CT 06798

MEMBERS PRESENT

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

MEMBERS ABSENT

NOTED OTHERS PRESENT – Will Agresta (Town Planner), Tom Kaelin (Town Attorney), Selectman Reddington-Hughes, Lisa Turoczi, Karin & Stuart Adams, Ted Mannello, Atty. Pilicy, Hiram Peck, Atty. Hoyler, James Munch, Andrew Peklo, Ted Tietz, Jr., Nicholas Bennett, Zachary Lessard, Bill Burgess, and John Trainor

OPENING OF MEETING

Call to Order – The meeting commenced at 7:35 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

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

24-IW-0022 – 10 Transylvania Road / Map 36, Lot 5 / RA-40 District / Stuart and Karin Adams (owner), Earth Tones LLC (agent) / Within regulated watercourse (Hesseky Brook) and upland review area: Stream bank erosion maintenance involving placement of rocks and native plants.

Lisa Turoczi of Earth Tones was present representing the property owners, Stuart and Karin Adams, who were also present. Ms. Turoczi showed plans of the including the location of Hesseky Brook in relation to the house. It is about 10 ft. from the house to the top of the slope. There are severe erosion issues and the bank is disappearing after each storm. A stream bank restoration plan was reviewed with the Agency. The plan is to build up the slope with rock. The construction sequence was reviewed. Layers of rock will be built up. Work will be done with a small excavator and by hand. Riparian buffer plantings will be installed on top and on the sides in between the rocks. A roof pipe will be buried and a splash pad will be installed to break up the force of the drainage before it goes down into the vegetation. Access was reviewed, the existing driveway and parking area will be used. Alternate Pabst questioned why not approach it by cutting the water off at the top of the horseshoe area. Ms. Turoczi expressed issues with access to that area with an excavator. She would need to get into the actual brook and wetlands to do that. Members had previously walked the site and are familiar with it. Members had no further questions or concerns. A draft motion was requested for the next meeting.

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

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

24-IW-0023 – 858 Main Street North / Map 25, Lot 30 / OS-60 District / Ted Mannello (owner/applicant) / Application for Jurisdictional Determination – Seeking determination that a Wetland Permit is not required for change in non-conforming use per Zoning Board of Appeals Special Permit that does involve and new land disturbances.

Attorney Pilicy was present representing the property owner, Ted Mannello who was also present. This is an application for determination of jurisdiction. Attorney Pilicy explained that an application was approved by the Zoning Board of Appeals (ZBA) to substitute one nonconforming use for another nonconforming use. On appeal the Superior Court asked the ZBA if a site plan should have been required as part of that application and if a Wetlands application should have been required.

The site has not had any real activities or improvements of any nature for many years. An application being submitted to the Agency for a jurisdictional ruling as a response to the trial court. It is their position that as no activities are proposed and no activities occurred and thus an application is unnecessary. A site plan showing existing conditions was submitted and reviewed with the Agency.

Chairman Tyrrell noted that there was no 100 ft. wetlands setback noted on the site plan provided. Contour lines are shown. Attorney Pilicy noted that the distance from the corner of the existing building to the brook is shown. It was confirmed that no additional wetlands delineation was done for this map. Planner Agresta drew a line on the plan to illustrate the approximate area where the 100 ft. buffer would be on the proposed plan.

It was confirmed that there has been no new construction in this area and no change to the gravel driveway or access that was previously there. It was unknown if the dumpster location had changed. The driveway area has not been expanded. Mr. Mannello explained that the fence was installed at the request of the ZBA to install a buffer to the neighbor, this also delineates the parking area.

It was confirmed with the property owner that nothing has been changed within the 100 ft. buffer area of the brook and nothing is currently proposed to be done or changed in this area.

Attorney Hoyler was present along with abutting property owner Hiram Peck. An intervention petition was submitted under 22A-19. He stated that it was incorrect for the ZBA to approve this application without a site plan or without any information on the wetlands. Tom Kaelin, Town Attorney, noted that he was not alerted that a petition was going to be filed and has not determined that they have intervener status. It was advised that the Agency could, as a courtesy, hear what they had to say..

Attorney Hoyler noted that 22A-19 subsection (a) states that any person can intervene in any administrative proceeding when there is a threat of contamination to the environment.

He summarized that the applicant during the ZBA process stated that there were no wetlands on the site. It was pointed out that the survey being reviewed specifically states that it is not intended to show wetlands and watercourses. It was also reiterated that there is no 100 ft. delineation line, indicating that there has been no study done on where there may be wetlands on the site. This map assumes there are no wetland soils adjacent to that watercourse. It was stated that up until recently, a 500 gallon propane tank had been observed bolted into the ground within the upland review area on the property.

Mr. Mannello explained his business. The tanks are empty vessels that get delivered to his property and then get delivered to the purchaser's house to be installed and filled. A tank this size is not easy to move into the building and has no propane in it. Mr. Mannello did not know where the photo of the bolted to the ground tank in the packet came from.

Attorney Hoyler also noted that the propane trucks appear to also be parked within the upland review area and felt that an application for this should also be submitted for the Agency's review. Planner Agresta questioned what

the permit would be for, at which Attorney Hoyler responded any work to be done in the upland review area including the parking of propane trucks. They are concerned about the leaking of propane. Planner Agresta clarified that they are solely concerned with propane, not worried about diesel or gasoline from any other vehicles parked there.

In summary, the Pecks are concerned with the lack of information provided. The court determined that it was an error for the ZBA to approve the application without having gone through a Wetlands review as “there is now a propane storage facility within the upland review area.” They are asking that the application go through the process to see what is being done, where the wetlands and upland review areas are and from there make a determination.

Chairman Tyrrell noted that it is common practice for any oil or propane company to have tanks available to go to people’s homes for home storage. They need to have a place to get them delivered to and from. If they were installing underground propane tanks or leaving tanks in the wetlands setback area the Agency might look at this differently. The tanks are not staying on site and propane is not being stored in them. They get delivered empty and filled on site where they remain. Chairman Tyrrell also noted that should propane tanks leak for any reason, it goes in the air, not into the ground. She does not imagine this contaminating the soils. There are restrictions of where the trucks can be parked when they have fuel in them and when they do not. If the business is following those guidelines, the Agency does not have the ability to tell them they cannot be located there.

Hiram Peck, 21 Minortown Rd. Ext. – Mr. Peck noted he has lived next to this property for 35 years and there have been significant changes to the property over those 35 years. The driveway shown as existing parking area was created by woodchips and tree stumps by a previous occupant. They believe there are upland review area violations, there has been no soil information provided, and no wetland review area shown on the survey. The Agency should have this information before they decide on jurisdiction.

It was clarified that the current owner, Mr. Mannello, purchased the property about 2-3 years ago. Any changes appear to be by previous owners. Member Turoczi did not believe that it will show wetland soils going up the hill, but questioned why it was not delineated. Chairman Tyrrell noted that it would strengthen Mr. Mannello’s position as the applicant if he were to have the wetlands delineated and correctly placed on the map. The 100 ft. setback should also be included for clarification and completeness.

The Agency consensus was that they wanted time to review what had been submitted and A site walk was scheduled for Sunday, August 25, 2024, at 9:00 a.m.

24-IW-0024 – 868 Washington Road / Map 72, Lot 22 / OS-100 District / The Mary E. Dineen Living Trust (owner), Elizabeth K. Donovan (Trustee), James Munch (applicant) / Application for Jurisdictional Determination – Timber Harvest, including access via Washington Road and separately via neighboring Carmel Hill Road property (Map 58, Lot 2A – Richard G. and Peggy Ann Kuss).

James Munch was present representing the application. A previous application was approved for the Kuss property, this is an adjoining property to the original permit. He would be using that property and the already established trails and bridge crossing. The property is 96 acres. He will protect the stream with bridge mats. He is looking to start and finish in the Fall. The location of the property was discussed. There will be no disturbance to the wetlands area. A vernal pool was shown, he will stay out of that area as well. The harvest area is being marked. Chairman Tyrrell clarified that this is a farming activity, it is a timber harvest, not clear cutting. Harvesting would be exempt. The Agency reiterated that Mr. Munch stated he would stay away from the vernal pool, use mats to cross the brook, and use established trails/routes and there would be no need for expansion. It was confirmed that there is just one stream crossing.

MOTION:

The Agency agrees with the request for a Jurisdictional Ruling (24-IW-0024 – 868 Washington Road / Map 72, Lot 22 / OS-100 District / The Mary E. Dineen Living Trust (owner), Elizabeth K. Donovan (Trustee), James Munch

(applicant) / Application for Jurisdictional Determination – Timber Harvest, including access via Washington Road and separately via neighboring Carmel Hill Road property (Map 58, Lot 2A – Richard G. and Peggy Ann Kuss), that this is a timber harvest and is therefore exempt for Inland Wetlands Agency application

Moved by WERNER, Seconded by TUROCZI

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

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

PENDING APPLICATIONS / DELIBERATIONS

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’).

Andy Peklo was present for the discussion. Members reviewed a draft motion.

MOTION:

To approve 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’).

Moved by RICHARDS, Seconded by WERNER

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

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

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.

A site walk was held the previous day. Chairman Tyrrell described the area. The finished and unfinished pond areas were viewed and there were no concerns. The Agency felt that the project was neat and tidy. A draft motion was reviewed.

MOTION:

To approve 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.

Moved by RICHARDS, Seconded by WERNER

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

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

21-ENF-0007 – 39 Quanopaug Trail / Map 25, Lot 14-1 / OS-100 District / Oriya Foger (owner) / Remediation Monitoring

There was no representative present for the discussion. An email from Mr. Foger was read for the record. Erosion was observed in regulated area during the Agency’s site visit and was noted for Mr. Foger as well as the presence of invasives that should be removed. Although the area for remediation was observed, the Agency has further

jurisdiction. It was discussed that a follow up letter with detail was provided to Mr. Foger. It was reiterated by the Agency that this is a result of the clearing of the slope, which is why the water was taking the soil which is what the Agency was trying to avoid. The required remediation was for along the brook, it was planted and looked acceptable. The applicant does not appear to understand the jurisdiction of the Wetlands Agency. Although there was a remediation plan for activities specifically, there is also a substantial amount of the property that is under the Agency's jurisdiction. If more clarification is required, the property owner or a representative should attend a meeting for discussion.

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. A site walk was conducted of the property. It was noted that the debris pile had been spread. There were some mafia blocks still located in the wetlands. It was estimated that the area is about 15 ft. to the brook. Mr. Bennett explained that there is a row of mafia blocks that were buried, these were to delineate the area so not to go beyond into the wetlands. The Agency was amenable to the debris being pulled out and away from the wetlands towards the street or removed from the property altogether. The blocks are to be removed from the wetlands. Moving the debris would expose the originally intended block barrier. The Agency requested a plan to show the existing area as it is in its current state. A plan to clean up the site and show what it will be used for in the future should also be submitted including elevations prior to the next meeting.

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 was present for the discussion. He updated the Agency that he has planted the trees and wetland shrubs. Photos of the installation were viewed by the Agency. The last item is the remaining firewood pile. Mr. Lessard explained that it will be removed in the Fall and showed how he has direct access to get the wood out. He is still awaiting insurance issues in order to repair the barn. Equipment storage will need to be outside until the barn is fixed. Mr. Lessard should notify the Agency when there are updates.

The following items were tabled:

- **23-ENF-IW05 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett**
- **23-ENF-IW06 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba**
- **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**

ADMINISTRATIVE

Regular Meeting Minutes – 07/22/24

MOTION:

To accept the July 22, 2024, Regular Meeting Minutes as written.

Moved by NEWELL, Seconded by RICHARDS

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

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

Regulation Review

Draft Inland Wetlands and Watercourses Regulations – Chairman Tyrrell noted the farming and exemption documents that were given to the Agency when Attorney Janet Brooks gave her training. It was noted that Attorney Brooks provided a Scope of Services and fees to be considered by the Agency. The Agency would choose the option to have written explanation. They need to find out if there is money in the legal budget that could be used for Attorney Brooks’ Regulation Review.

Planner Agresta informed the Agency that he spoke with NE GEO regarding the potential for updating the GIS mapping with layers and the associated costs.

Draft Forest Practices Regulations – This item was tabled.

CORRESPONDENCE

A letter from the Council of Environmental Quality was noted. The Agency discussed their concerns with the construction of these solar panels on the Fawn Meadow site. Issues included the removal and responsibility of the panels when they are decommissioned, potential contamination impacts and environmental concerns for the impact on the creatures that exist there.

An email from Woodlake seeking clarity on the requirements of approval for reporting on the draw down of the lake. They are looking at doing another drawdown. Planner Agresta provided a summary of a study of drawdowns. Potential impacts were discussed by the Agency. A representative from Woodlake should attend a meeting to discuss.

There was brief discussion regarding the Three Rivers Ad Hoc Committee discussions.

PRIVILEGE OF THE FLOOR

Bill Burgess, 12 Fawn Meadow Lane – Mr. Burgess addressed the Agency with his concerns regarding the proposed solar panel project. He has addressed the Conservation Commission who had water quality concerns. He, along with other homeowners, would like the Town to get involved to offer insights to the Siting Council for consideration.

Earl Gillette questioned the status of the debris pile at 31 Carmel Hill Road. The Land Use Enforcement Officer recently issued a notice with regards to this issue and is awaiting a response.

Earl Gillette also noted that there is erosion of the gravel driveway at 420 Transylvania Road. The driveway is washing into the street.

ADJOURNMENT

MOTION:

To adjourn the meeting at 10:02 p.m.

Made by NEWELL with no objections.

Respectfully submitted,

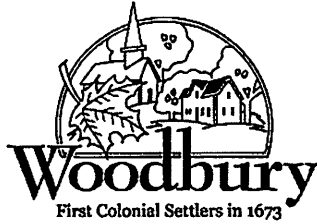
Anne Firlings

Anne Firlings, Inland Wetlands & Watercourses Agency Clerk

RECEIVED & FILED
 IN WOODBURY, CT

This 14th day of Aug 24
 at 4:00 o'clock PM

Maria M. Mancini
 Town Clerk



Town of Woodbury
Inland Wetlands and Watercourses Agency

281 Main Street South
Woodbury, CT 06798
203.263.3467 ▪ www.woodburycct.org

WETLANDS / WATERCOURSES PERMIT APPROVAL
199 WESTWOOD ROAD – 24-IW-0020
Addition to Existing Single-Family Dwelling
Jan M. Wruck (applicant/owner)

Date of Approval	August 12, 2024
Permit Expiration*	August 12, 2026

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

Applicant	Jan M. Wruck
Property Owner	Jan M. Wruck
Application	24-IW-0020
Project	Within regulated upland review area construct a one-story addition (adding bedroom, bathroom, and laundry space) measuring 416 sf (16'x26') to an existing single-family dwelling and associated site improvements.
Address	199 Westwood Road, Assessor Map 38, Lot 47
Site Acreage	2.3 acres
Zone	OS-100 Zoning District

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application **24-IW-0020** 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:

- No direct wetland/watercourse disturbances or impacts.
- Disturbance proposed within maintained area of lot, downslope of pond on abutting lot but upslope of stream on other side of existing dwelling structure.
- Drainage controls in the form of subsurface infiltration.
- Erosion and sedimentation controls will be maintained during construction; and

WHEREAS application materials received include the following:

- Application for Inland Wetlands Agency Permit
- Property Boundary Survey (annotated Site Plan)
- Elevation rendering of proposed addition, Peklo Design & Joinery, 07/02/24;

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 construction will be short term;
- Site disturbance impacts can be further mitigated by the conditions listed below and the proper use and maintenance of drainage, 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-0020 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. The applicant shall submit a revised Site Plan at a more readable scale (such 1” = 10’ or 1” = 20’) enlarged and focused to more clearly detail the regulated activity and disturbance area, including and detailing the following:
 - a. Add the following notes conspicuously:
 - **24-IW-0020 – Approval Date: August 12, 2024; Expiration Date: August 12, 2026* (*If regulated activities and conditions of approval are not completed accordingly in such timeframe.)**
 - **Temporary road access to be restored to pre-construction condition following construction.**
 - b. Show and label a **Limits of Disturbance Line**.
 - c. Show, label and detail measures to be employed to protect the existing septic tank, fields and lines.
 - d. Show, label and detail erosion and sedimentation controls, including but not limited to silt fence, anti-tracking apron at temporary construction access, topsoil stockpile protection, etc.
 - e. Show and label the location and extent of construction materials storage and worker vehicle parking.
 - f. Show and label approximate location of trees to be removed.
 - g. Show and label any exterior mechanical equipment pads, walkways, patios, decks or other accessory components, as well as any exterior or underground utilities (new or connecting).
 - h. Show, label and detail measures to be employed to capture and treat (infiltrate) new roof runoff.
 - i. Note the means of disturbed area vegetation restoration following construction, as well as that landscaped areas shall include a minimum depth of six (6) inches of topsoil.

2. **Final Site Plans for Endorsement** – Following acceptance of revised final plans by the Town Planner, the applicant shall provide for endorsement by the Agency/Town Planner two (2) printed sets (additional copies should the applicant desire copies as endorsed). EACH plan sheet shall be signed and sealed providing live (original signature and seal) certification thereof by the professional(s) responsible for their preparation.
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.
4. **Other Required Approvals** – No work shall be authorized to commence absent securing all approvals as may be required. 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, including but not limited to:
 - **Housatonic Valley Health District**
 - **Woodbury Administrative Zoning, Driveway and Building Permits**

B. Conditions During Construction

1. 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.
2. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and 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.
3. 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 to the minimum necessary to complete the authorized improvements.
 - Erosion and sedimentation controls shall be installed and maintained, and additional controls may be required at the direction of the Land Use Office as deemed necessary.
 - There shall be no dumping or burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like.
 - The temporary access shall be restored to pre-construction condition following construction.
4. Construction stockpiles and staging shall be outside the regulated 100-foot upland review area. The site shall be kept clean of all loose debris, litter, and similar materials to prevent such from entering wetlands or 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.
5. Disturbed soils shall be stabilized in a timely fashion, particularly to avoid/minimize erosion impacts.

6. Construction vehicles/equipment not in use shall not be stored, and at no time shall such be washed out, within a 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.
7. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of wetlands/watercourses or regulated 100-foot upland review areas. 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 because 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 of the approved regulated activities, subject to the following:
 - Submission of a certified A-2 Survey As-Built Plan detailing the completed improvements 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.
 - Verification the site has been cleaned of construction related equipment, materials, and debris.
 - All disturbed areas have been stabilized and exhibit healthy vegetative cover.
 - Temporary road access has been restored to pre-construction condition.
 - 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 (subject to submission of an adequate As-Built Plan detailing and certifying the completed improvements). The Land Use Office may refer any request for bond release to the Agency.
3. **Drainage Improvements** – Stormwater management and treatment controls shall be maintained to function as designed and to prevent erosion and sedimentation dispersal as a condition of continued compliance.
4. **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.
5. **Expiration** – This permit approval shall expire and be null and void without further written notice per the date set forth on Page 1 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

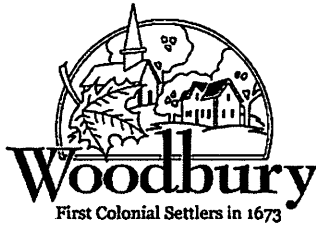
Moved by **RICHARDS**, Seconded by **WERNER**

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

Aye Tyrrell, Newell, Turoczi, Werner, Richards

Nay None

Abstain None



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Inland Wetlands and Watercourses Agency**

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**WETLANDS / WATERCOURSES PERMIT APPROVAL
QUASSUK ROAD – 24-IW-0021**

**Earth Excavation Activities – Parcel C / Pond Parcel
Theodore Tietz, Jr. (applicant/owner – 167 Quassuk Road)**

	Date of Approval	August 12, 2024
	Permit Expiration*	August 12, 2029

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

Applicant	Theodore Tietz, Jr.
Property Owner	Theodore Tietz, Jr.
Application	24-IW-0021
Project	Earth Excavation Activities extending prior Wetland/Watercourse Permit 19-IW-1910 consistent with Zoning Special Permit (renewal) 23-ZC-0020 consisting of the continued excavation totaling 350,000 cubic yards of material from an existing pond (less than 100,000 cubic yards remain to be excavated).
Address	Quassuk Road (Parcel C / Pond Parcel), Assessor Map 90, Lot 11 (filed 167 Quassuk Road)
Site Acreage	17.41 acres
Zone	OS-60 Zoning District

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application **24-IW-0021** 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 application materials received include the following:

- Application for Inland Wetlands Agency Permit;

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;
- The activities are a continuation of prior approvals, last issued under 19-IW-1910;
- The activities are consistent with the standing zoning Special Permit 23-ZC-0020;
- 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-0021 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 the project is approved subject to the following modifications and conditions:

A. Conditions During Earth Excavation Activities

1. The limits of disturbance shall be clearly delineated and controlled in the field to the satisfaction of the Land Use Office.
2. Erosion and sedimentation control devices shall be properly installed and maintained to the satisfaction of 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, and 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:
 - a. Ground disturbance shall be contained to the minimum necessary to complete the authorized earth excavation activity.
 - b. Erosion and sedimentation controls shall be installed and maintained, and additional controls may be required at the direction of the Land Use Office as deemed necessary.
 - c. There shall be no dumping or burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like.
 - d. Stockpiles and staging shall be outside the regulated 100-foot upland review area.
 - e. The site shall be kept clean of all loose debris, litter, and similar materials to prevent such from entering wetlands or watercourses.
 - f. 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.
 - g. Disturbed soils shall be stabilized in a timely fashion, particularly to avoid/minimize erosion impacts.
 - h. Construction vehicles/equipment not in use shall not be stored, and at no time shall such be washed out, within a 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.

- i. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of wetlands/watercourses or regulated 100-foot upland review areas. 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 because of the activity.
- j. Disturbed soils shall 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 shall accomplish seeding or other appropriate measures to stabilize the area within seven (7) days. Also, upon completion of any grading activity, the applicant shall seed/stabilize the area(s) within seven (7) days.
- k. All paths used for site access shall be reestablished to original condition.
- l. All disturbed areas and earth material stockpiles within the regulated area must be stabilized by October 15th of any year.

B. **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.

C. **Expiration** – This permit approval shall expire and be null and void without further written notice per the date set forth on Page 1 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 **RICHARDS**, Seconded by **WERNER**

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

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