

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 14, 2023

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

MEMBERS PRESENT

Earl Gillette, Alternate
Marty Newell, Vice Chairman
Don Richards
Kyle Turoczi, Secretary
Mary Tyrrell, Chairman
Ernest Werner (arrived at 7:34 p.m.)

MEMBERS ABSENT

Michael McAloon, Alternate

NOTED OTHERS PRESENT – Jami Rogers, Jeff Sherman, Jeff Miller, Dan Fusco, Paul Birsh, Kathy Doyle and a member of the press

OPENING OF MEETING

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

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

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

NEW APPLICATIONS

22-IW-0008-A1 – 63 Mill Road / Map 10, Lot 45A-2 / OS-60 District / Jamie Rogers (applicant/owner) / Permit Modification (Added storage shed, expanded driveway at garage, expanded patio at rear of house).

Jami Rogers was present for the application. It was noted that during construction there were changes made that required Inland Wetlands approval. In addition, Ms. Rogers is looking to add a storage shed. Changes to the original plan were noted by Ms. Rogers, including the expansion of the rear patio, an expansion of the driveway at the garage as well as an addition of an overhang over the outside basement stairs. It was noted and shown that the required berm with plantings has been completed. A bushy type of arborvitae was used for the berm. The requested shed will be placed on top of existing processed stone located at the top of the driveway. The berm is planted and provides a buffer to the wetlands. Agency members had no concerns with the additional requests. A draft motion was requested for the next meeting.

Alternate Gillette was unseated and Member Werner was seated at 7:40 p.m.

PENDING APPLICATIONS / DELIBERATIONS

23-IW-0019 – 18 Minortown Road / Map 25, Lot 2C-2 / OS-60 District / Town of Woodbury (applicant/owner), Conservation Commission (agent) / Removal of Japanese Knotweed and sections of Mugwort and Stiltgrass.

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

Jeff Sherman, Vice Chairman of the Conservation Commission was present for the application. A letter from the contractor, IPS (Invasive Plant Solutions) dated 8/1/2023 was noted for the record. Members reviewed the memo and discussed the plan. Member Turoczi noted that the industry is going with this route for control, use of such chemicals is considered standard now. The success rate was questioned, it is unknown, but has had success up and down the Housatonic. The plan is to spray in the fall, see how it over winters and then see what comes up in the spring. The invasive is already flowering and Mr. Sherman didn't want to interfere with the pollinators. Glyphosate in the roots should assist in killing it. The chemical only lasts 10 days in the soil. It is not anticipated that a lot of the invasive plants will come back. Mr. Sherman stated they will not be cutting the invasives and in the spring they will overseed the area. This plan will be for 3-5 years. Another application in the spring may be through injection, however, the plan does not specify this. Mr. Sherman will check with Sharon Land Trust to see how they handled this. The tallest stalks are around 6 ft. tall. Once sprayed, that will kill what you can see, it is unknown until spring what survives. Member Werner questioned why they didn't opt to cut the plant down and then spray it to get it into the roots. Member Turoczi stated if they cut now and took the flower out of it, it can't mature and can't seed. If this is done, it would need to be collected, bagged and gotten rid of. Mr. Sherman noted that the entire plant will be sprayed. A draft motion was reviewed by the Agency. Mechanical cutting/mowing of the plants before it seeds is a better way to eradicate the plant. It was discussed that this will be a three to five year program of monitoring and maintenance. The Agency would prefer that the plants be cut before chemical application so that it is better absorbed into the root system. The draft motion was amended.

MOTION:

To approve (23-IW-0019 – 18 Minortown Road / Map 25, Lot 2C-2 / OS-60 District / Town of Woodbury (applicant/owner), Conservation Commission (agent) / Removal of Japanese Knotweed and sections of Mugwort and Stiltgrass).

Made by **NEWELL**, Seconded by **WERNER**

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

Ayes	Newell, Richards, Turoczi, Tyrrell, Werner
Nayes	None
Abstain	None

23-IW-0020 – 46 Saw Pit Hill Road / Map 38, Lot 13-2 / OS-60 District / Joseph Simpson (applicant/owner) / Installation of a 20' x 20' x 9' (high) carport structure.

Planner Agresta noted that there were issues with meeting Zoning Regulations, which he advised Mr. Simpson of. Options are for Mr. Simpson to move forward with the Inland Wetlands approval (with the understanding that alternative solutions would be required to meet Zoning) or withdraw his application. Mr. Simpson is considering his options. This item was tabled.

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

Jeff Miller was present for the application. A planting plan was reviewed by the Agency. A photo of the area was shown, there is some vegetation growing in the area. Mr. Miller met with Carol Haskins. She identified the plants that are beginning to grow in the area as jewelweed and clover. She suggested that his plantings could be cut down by one third. Member Turoczi noted that the jewelweed does not have a good root system like the Solomon's Seal and felt it better to stick with the plant plan as submitted. King Solomon's Seal and Royal Fern will be used. Mr. Miller plans to work from the top of the riverbank down. Rocks that are removed to plant will be removed off site. Ferns will be at the bottom. Work should start in September. A draft motion was requested for the next meeting.

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

Jeff Miller was present for the application. New information was submitted for a Flo Well System that Mr. Miller proposes to use. Two of the tanks will be installed in succession requiring an approximately 8 ft. hole filled with gravel. A Flow Well System design sheet was reviewed to show the system he is proposing to handle the gutter and roof runoff. A flow calculation was shown. Calculations were determined based on clay for a bigger buffer. There was discussion on where on the property this would be installed and if it would be above the river. It was confirmed it will go where the four inch pipes comes out of the stone wall and needs to be placed 10 ft from the foundation. This system should be sufficient to handle his roof area, which is only about 750 sq. ft. Mr. Miller explained the design sheet and what parts would be used for his project. A pop up emitter will be included in the event of overflow which will go out to the existing grass swale. It was confirmed that there will be two tanks used in an 8 ft. hole. Concerns about the stabilization of the soil after installation were expressed. It was suggested that the two units could be connected horizontally side by side with a t-connector. A plan needs to be provided to show where this will be installed and a timeframe of when installation will be completed. A plan with a schedule for implementation should be provided. The Agency would like the project to be completed by October 15th or sooner so that it is vegetated and stabilized before winter. It was questioned if these will be level with the water table. Location was discussed. It was suggested that the two units could be connected horizontally side by side with a t-connector up near the existing stone wall. Mr. Miller will look into items discussed at the meeting.

23-IW-0018 – 203 Sprain Brook Road / Map 56, Lot 6 / OS-100 District / Ryan Birkenhead (applicant/owner) /Installation of driveway extension to access proposed accessory building.

It was noted that this application has been withdrawn. Members noted that there were items on plans submitted that did not appear to have associated approvals. There were areas seen on the site walk where members questioned including a deck, a PVC pipe discharging to the brook with no outflow to protect, the front yard area was dug up, etc. Maps/plans from the previous approvals were requested to be supplied for the next meeting for review by the Agency so that they can review.

ENFORCEMENT & WETLANDS UPDATE

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

Dan Fusco was present for the discussion. The plan is to remove the millings, add topsoil, grade, spread and hydroseed. There were circumstances that precluded this from already being done. He anticipates that the contractor will be out in a week to complete the work. The driveway access area will be removed, soil will be spread and it will be hydroseeded. The pool area will be graded. There was discussion about the location at the back of the property where Mr. Fusco has moved a large pile of millings, a boat and a truck. He expressed this was outside the regulated area. It was noted that this is flood zone and that this is not an allowed location to store these items. Regulated area and flood zone areas on the property were discussed. Per Mr. Fusco, these items need to be removed at his wife's request. Site work should be completed first and then hydroseed after all is completed. The Chairman requested pictures be submitted once it is completed.

Chohees Trail / Map 44, Lot 18 / OS-100 District / TRP Farms, LLC / NV – Tree Cutting, Deposition of Materials and Excavation within a regulated area.

It was noted that Rich Lamothe was unable to make the meeting due to paving on Flanders Road. It was requested that he come to the next meeting.

43 Hollow Road / Map 36, Lot 68A & Map 103, Lot 13 / R-40 & OS-80 Districts / Town of Woodbury / Tree and scrub vegetation cutting within a regulated area (Hollow Park / Pomperaug River).

There was no one present for the discussion. An update email from Jami Gore, Director of Parks & Recreation was read and reviewed by the Agency.

22-ENF-0015 – Minortown Road / Map 10, Lot 9 / OS-60 District / Raymond Hardisty and Janet Lawson / NV – Unauthorized site activity (including excavation, deposition and alteration of ground coverage and contours, as well as drainage conditions) within a regulated area.

This item is in legal. It was updated that a resolution may be forthcoming.

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.

An email from Gary Eucalitto received 8/14/23 was reviewed by the Agency indicating that there was no update from the consultant. This item was tabled.

Carriage Lane/Village Woods – Patrick Disarro was present to assure the Agency that they are working towards finishing the plan they submitted. He expressed that there were inaccuracies in a letter sent to the Agency from Dennis Good. Their association meeting was held and he will forward a copy of the minutes. He advised that the branches and debris have been removed from the wetlands area and are placed on the side of a driveway waiting for chipping. Once this is done, he will notify the Land Use Office. Mr. Disarro expressed that with the repercussions of this experience, he is confident that this will not happen again.

ADMINISTRATIVE

Special Meeting Minutes – 07/23/24

MOTION:

To accept the minutes of the July 23, 2023 Special Meeting (as submitted).

Made by NEWELL, Seconded by TUROCZI

Vote: 4-0-1 – **Approved** – Motion Passed

Ayes	Newell, Richards, Turoczi, Tyrrell
Nays	None
Abstain	Werner (due to absence from the site walk)

Meeting Minutes – 07/24/23

MOTION:

To accept the minutes of the July 24, 2023 Regular Meeting (as submitted).

Made by NEWELL, Seconded by RICHARDS

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

Ayes	Newell, Richards, Turoczi, Tyrrell, Werner
Nays	None
Abstain	None

Regulation Review – Members reviewed information submitted by Member Turoczi (email dated 7/28/23) with regards to updating the regulations. Specifically discussing requiring the use of and defining native plants. In addition it was suggested that larger setbacks should be considered as well as implementing wetlands mapping so that it is GIS compatible. A follow up email dated 7/31/23 from Will Agresta was reviewed as well. Members briefly discussed both of the memos.

CORRESPONDENCE – Included a letter from Dennis Good regarding Carriage Lane. This item was previously discussed under Enforcement.

PRIVILEGE OF THE FLOOR –

Paul Blish, 527 Flanders Road – Mr. Blish was present to ask for advice from the Agency with regards to flooding issues he has recently been having on his property. Discussion about the Agency’s ability to guide Mr. Blish and responsibilities were discussed. It was suggested that an engineer or architect with qualifications to handle such issues as grading, drainage analysis and stormwater management be obtained by Mr. Blish.

Earl Gillette – Alternate Gillette requested a follow up with regards to 75 Grassy Hill Road and the installation of a pickle ball court. It was noted that an application was received and will be included on the next agenda.

Kathy Doyle – In response to earlier regulation amendment discussions, Ms. Doyle questioned if the requirement to use native plants could be initiated prior to amendment to the regulations.

ADJOURNMENT

MOTION:

To adjourn the meeting at 10:09 p.m. made by Member Newell with no objections.

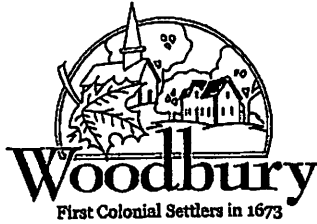
Filed Subject to Approval

Respectfully Submitted

Anne Firlings

Anne Firlings, Clerk

RECEIVED & FILED
IN WOODBURY, CT
This 16th day of Aug 23
at 3:50 o'clock P M
Maria M Mancini
Town Clerk



Town of Woodbury

Inland Wetlands and Watercourses Agency

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

WETLANDS / WATERCOURSES PERMIT APPROVAL

18 MINORTOWN ROAD EXTENSION – 23-IW-0019

Select Invasive Species Removal Program Implementation

Conservation Commission (applicant)
 Town of Woodbury (property owner)

Date of Approval	August 14, 2023
Permit Expiration*	August 14, 2028

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

Applicant	Conservation Commission
Property Owner	Town of Woodbury
Application	23-IW-0019
Project	Mechanical and chemical removal of defined patches (each measuring approximately 8/9K square feet in area) of invasive species (Japanese Knotweed, Mugwort and Stiltgrass).
Address	18 Minortown Road Extension, Assessor Map 25, Lot 2C-2
Site Acreage	22.78 acres
Zone	OS-50 District

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application **23-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 application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Location Map of Invasive Species Patches and Photos;
- Licensed invasive species removal contractor (Invasive Plant Solutions) and chemical content and rate information, August 1, 2023;

WHEREAS the removal of invasive species is proposed pursuant to a three (3) to five (5) year program consisting of the following yearly steps with anticipated lessening for the need of chemical application in each subsequent year:

- Mid-August Mechanical Cutting (by Town DPW mowing of the select invasive species patches)
- September Chemical Application (by Invasive Plant Solutions to the mowed patches)
- Spring Native Wildflower Seeding
- Spring/Summer Monitor / Maintenance of any Resprouting Invasives

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 will be limited to mowing and controlled chemical application;
- 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 23-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 Site Plans** – The plans as presented shall be endorsed as “approved” by the Agency/Town Planner.
2. **Notification to Land Use Office** – Prior to commencement of any regulated activities the Land Use Office shall be provided a minimum of 48-hours of notice.

B. During Implementation

1. The Land Use Office shall be duly apprised of the status and progress of site work throughout implementation of the three (3) to five (5) year program 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.
2. The applicant shall submit bi-annual status reports to the Agency no later than the following dates of each year of the three (3) to five (5) year program:
 - October 1st
 - July 1st

Each status report shall at minimum address the following:

- Date of report.
- Date range of reporting period.
- Identification of completed activities during reporting period.
- Identification of prevailing site conditions and relative success of activities.
- Recommendations for follow-up action prior to the next status report.
- Follow-up actions taken, if any, from prior reporting period.

3. The following shall be followed in relation to the project:

- Invasive plant removal under this permit shall be limited to the patches as shown on the final plans.
- Chemical application shall be by a Connecticut DEEP licensed professional only.
- Any invasive plants physically removed shall be appropriately handled and disposed of.
- No digging out or excavation is permitted.
- Mowing vehicles and equipment not in use shall not be stored, and at no time shall such be washed out on the subject property or within a regulated wetland/watercourse area.
- There shall be no storage of any fuel/lubricants. Refueling/lubrication of any equipment shall be 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 as a result of the activity.

C. Post Implementation Compliance and Permit Closure

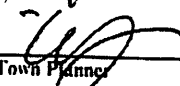
1. **Final Report** – At the conclusion of the three (3) to five (5) year program, the applicant shall submit a **Final Findings and Status Report** detailing the relative successes of the invasive species removal program and identification of any additional follow-up treatments anticipated or proposed.
2. **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. Any substantive additions or changes to the approved regulated activities shall require prior review and separate approval and permit.
3. **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

Ayes Tyrrell, Turoczi, Werner, Newell, Richards
Nays None
Abstain None

Approved by Inland Wetlands & Watercourses Agency	
Approval Date:	<u>8/14/23</u>
Signature:	<u></u> Town Planner