

# 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)

---

**MINUTES – AUGUST 22, 2022**

**REGULAR MEETING**

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

**MEMBERS PRESENT**

Mary Tyrrell  
Kyle Turoczi  
Marty Newell  
Don Richards, Alternate  
Michael McAloon, Alternate  
Earl Gillette, Alternate

**MEMBERS ABSENT**

Wes Cow  
Ernest Werner

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

**OPENING OF MEETING**

- **Call to Order**  
Chair Tyrrell convened the regular meeting at 7:30 pm.
- **Seating of Members / Alternates**  
Seated for the meeting were regular members Tyrrell, Turoczi, Newell and Alternates Richards and Gillette.
- **Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)**  
Chair Tyrrell reminded the Commission of Conflict of Interest; no member expressed a conflict with any matter on the agenda.

**PUBLIC HEARINGS** – None

**NEW APPLICATIONS**

**22-IW-0021 – 104 Quanopaug Trail / Map 25, Lot 29-A / OS-60 / Edward & Lucinda L. Hart**  
***Proposed dredging of pond (constructed 1961) and stream (tributary to Galpin Brook) of approximately 30 CY.***

- The applicant presented photos and a property map indicating the location of a 13-foot deep, 1/3-acre pond and an in-stream sediment basin proposed to be dredged.
- Dredging of the pond would be limited to the outer edges of the pond, rather than in the center.

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

- The dredging is estimated to remove approximately 30 cubic yards of spoils that will be deposited along the edge of the property driveway. The applicant also indicated the desire to remove a stand of invasive phragmites in the process.
- Upon Member Newell’s inquiry, the applicant explained how the brook terminates in the pond and that there is no other water source to the pond.
- It was acknowledged that sediment removal should occur more frequently to be more effective.
- Upon Planner Agresta inquiry, the applicant explained how the dredged materials would mostly be dry as they are along the edges of the currently relatively dry pond. The dredged material would be transported using a dump truck with an estimated 3 to 4 trips.
- Truck access would likely be through an existing barway leading to Quanopaug Trail. Transport over an existing on property stream culvert crossing was thought not possible due to weight.
- Aerial images of the property were viewed in the context of truck access, noting the applicant will need to make certain the road is kept clean at all times.
- The Agency requested Staff to prepare a DRAFT approval resolution for its next meeting.

**PENDING APPLICATIONS / DELIBERATIONS**

**22-IW-0015 – 1068 Main Street North / Map 10, Lot 42 / OS-60 / William C. Hildreth**  
***Discharge annually in late May approximately 8,000 gallons of 8-month standing pool water into Nonnewaug River; and annually withdrawal of approximately 8,000 gallons of water from Nonnewaug River to partially fill pool/spa.***

The Chair asked if any members had any remaining questions or concerns; there were none. The Agency then began deliberations of its seated members with consideration of a DRAFT approval resolution provided by Staff. Seated alternate Gillette requested confirmation the permit was only good for 5-years; to which the Chair confirmed that is the maximum time period allowed but the applicant could seek an extension. Seated alternate Richards requested confirmation that the withdrawal and discharge would be limited to the spring when water levels are highest; to which the Chair confirmed that the time period set was at between April – June (Spring months).

**MOTION:**

To approve 22-IW-0015 / 1068 Main Street North / Map 10, Lot 42 / OS-60  
Annual discharge indirectly into Nonnewaug River of approximately 8,000 gallons of water from an existing onsite inground swimming pool; and annual withdrawal of approximately 8,000 gallons of water from Nonnewaug River to partially refill the existing inground swimming pool. Mill House Antiques and Gardens LLC, William C. Hildreth (owner/applicant)

**Made by NEWELL, Seconded by RICHARDS**

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

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

## **ENFORCEMENT & WETLANDS UPDATE**

**21-ENF-0010 – 466 Flanders Road / Map 94, Lot 16-A / OS-100 / Christopher Teixeira**  
***NV Unauthorized Installation of Driveway & Parking Area (filling, grading, tree cutting & log storage piles) within a regulated area. Continued enforcement review of two wetland crossings.***

The property owner and his engineer, Michael Lambert, presented to the Agency the following:

- Mr. Lambert summarized the prior approved plan to remediate the millings and reduce the driveway area to allow for safe turning around and to safely exit out to Flanders Road.
- Mr. Lambert summarized his report assessment of the wetland crossings and associated pipes and suitability to handle 100-year flood conditions.
- Mr. Lambert explained his use of engineering modeling of the watershed conditions for the 100-year storm, which was conservative in that it did not take credit for the storage capacity of the wetlands, and that the accessway would not be flooded over.

The Chair noted from the report the presence of a third pipe crossing that the Agency was not aware of, nor identified by the soil scientist's wetland delineation report.

- The owner said he installed that as well and it was there during the time of the site walk. The Chair noted this additional crossing needs to be added to the violation; to which Planner Agresta agreed and said it is now included in the record and the Agency would need to determine its course of action as to either allowing it to remain or assess if it should be removed.
- Alternate Richards was concerned about the elevations of the crossings and flooding conditions and called for the Agency to have the matter reviewed by its own engineer. Other Agency members were not sure a separate engineer was necessary. Mr. Lambert offered to expand his analysis to include assessment of the wetlands storage capacity, noting it was already his opinion based on the modelling analysis that flooding would not be a concern.
- Alternate Richards also questioned if millings were used in the area of the pipe crossings. Planner Agresta stated the accessway with the crossings were on the property prior to current owner and his replacement of the pipes did not appear to include use of millings. The extent of the use of millings was pretty apparent during the site walk.
- The Chair suggested the Agency conduct another site visit and the third crossing and millings used could be revisited thereafter.
- The Applicant noted he had started to remediate the millings but was asked by Staff to stop until the formal plan for such, as required, was submitted.
- The Chair also requested revised plans to include cross sections showing what was exactly installed; to which Mr. Lambert said he would provide, along with the comparison watershed modeling analysis.
- Member Turoczi reviewed the plantings listed on plans indicating most needed sun and suggested choosing shade tolerant plantings instead.

The Agency scheduled a site walk for September 4, 2022 at 9:00am.

**22-ENF-0011 – 168 Quassuk Road / Map 92, Lot 52-2 / OS-100 / Jose and Katrina Rotunda**  
***Unauthorized site activities including filling, alteration, damming/brook obstruction within a regulated area***

The owner summarized the plantings installed to date. The Agency directed Staff to conduct a site inspection to verify the plantings.

**MINUTES - Meeting Minutes – 07/25/22**

It was noted that the agenda incorrectly listed minutes of 08/22/22 instead of 07/25/22.

**MOTION:**

To approve minutes of the July 25, 2022 meeting as presented.

**Made by TUROCZI, Seconded by RICHARDS**

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

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

**CORRESPONDENCE**

- Planner Agresta reported Mr. Foger was not enthused with the bond decision of the Agency at its prior meeting and the office received several emails.

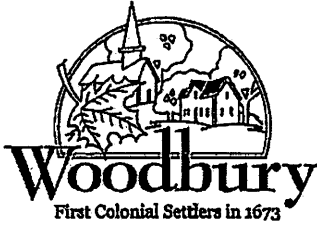
**PRIVILEGE OF THE FLOOR**

- The Chair noted she had met with the new Parks and Recreation Director and requested she increase communications with the Agency, and requested the new Director share all current and future plans with the Agency affecting wetlands before any work begins.
- Alternate Gillette inquired about the status of the training session with Attorney Brooks; to which Planner Agresta made contact and she wanted to know if the Agency had any specific topics to be focused on. The Agency noted: farm and agricultural uses – rules and challenges; pond water withdrawal; and current case law. It was suggested that the VoAg students from Nonnewaug be invited with a targeted meeting date form the second meeting in January 2023.

**ADJOURNMENT**

To adjourn the meeting at 9:15 p.m.

Made by Member Newell, with no objections.



# 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


Date of Approval	August 22, 2022
Permit Expiration	August 22, 2027

**Applicant:** William C. Hildreth  
**Owner:** Mill House Antiques and Gardens LLC  
**Application:** 22-IW-0015  
**Project:** Annual discharge indirectly into Nonnewaug River of approximately 8,000 gallons of water from an existing onsite inground swimming pool; and annual withdrawal of approximately 8,000 gallons of water from Nonnewaug River to partially refill the existing inground swimming pool.  
**Address:** 1068 Main Street North  
**Map/Lot:** 10/42  
**Zone:** OS-60 District

**WHEREAS**, the Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application 22-IW-0015 as submitted by William C. Hildreth (applicant) and Mill House Antiques and Gardens LLC (owner) in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury ("Regulations") seeking a Wetlands/Watercourses Permit ("Permit") for the annual discharge into Nonnewaug River of approximately 8,000 gallons of water from an existing onsite inground swimming pool and for the annual withdrawal of approximately 8,000 gallons of water from Nonnewaug River to partially refill the existing inground swimming pool, associated with property consisting of approximately 2.53 acres located at 1068 Main Street North within an OS-60 Zoning District, as shown on Assessor Map 10, Lot 42; and

**WHEREAS**, application materials received include the following:

- Application for Inland Wetlands Agency Permit;

<b>Approved by Inland Wetlands &amp; Watercourses Agency</b>	
Approval Date:	8/22/22
Signature:	
	Town Planner

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

- No significant adverse off-site impacts are anticipated;
- Resource impacts will be mitigated by the conditions listed below;
- The Agency classifies the application as Summary (not involving a “significant impact” thus a public hearing is not required); and

**BE IT FURTHER RESOLVED**, the Agency, in accordance with Section 10 of the Regulations, following deliberations, hereby approves Application 22-IW-0015 as described above, for a period of five (5) years, subject to the modifications and conditions set forth below; and

**BE IT FURTHER RESOLVED**, the Agency hereby authorizes the publishing and filing of a Notice of Decision consistent with the requirements set forth in Section 11.4 of the Regulations, as well as required reporting to the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) per CGS §22a-39-14; and

**BE IT FURTHER RESOLVED**, this approval is specific to that detailed herein subject to the following *modifications and conditions*:

**A. Limited Authorized Annual DISCHARGE into Nonnewaug River**

*The following shall be completed in the order listed:*

1. Prior to any discharge into Nonnewaug River, the sitting pool water shall be tested to determine its water quality and residual chlorine or bromine (test kit must be accurate to at least 0.1 mg/l) and pH levels consistent with Connecticut Wastewater Statutes.
2. The testing results shall be provided to the Land Use Office a minimum of 72 hours prior to commencing any discharge for confirmation to proceed and shall fall within the following:
  - Chlorine or Bromine <0.4 mg/l
  - pH 6.5 to 8.0
  - No trace of other algae or sanitation control treatment chemicals
3. All discharge into the Nonnewaug River shall be:
  - Indirect and onto flat grass above the sloped riprap riverbank
  - Through a Silt Bag (or approved equal as may be authorized by the Land Use Office)
  - At a discharge of 10:1 dilution ratio for fresh water to draining wastewater
  - Shall not include discharge of filtration backwash

4. The rate of discharge shall be controlled and monitored to ensure:
  - Discharged water is adequately filtered to contain and hold back solids and other substances from entering the river.
  - No erosion occurs between the point of discharge and the river.
  - The prevention of foaming or discoloration in the river.
  - The prevention of scouring or other action causing turbidity within the river.
5. All residual substances collected in the Silt Bag (or approved equal) shall be removed and properly disposed of.
6. Discharge shall be limited to once annually for a period of five (5) years and to a maximum of approximately 8,000 gallons for the sole purpose of partially emptying the existing inground swimming pool.

**B. Limited Authorized Annual WITHDRAWAL from Nonnewaug River**

*The following shall be completed in the order listed:*

1. Prior to any withdrawal from Nonnewaug River into the swimming pool, Pomperaug River Watershed Coalition ("PRWC") shall be contacted to confirm that adequate water level and flow exists in Nonnewaug River at the present time to permit safe withdrawal.
2. Verification of safe flow conditions from PRWC shall be provided to the Land Use Office a minimum of 72 hours prior to commencing any withdrawal for confirmation to proceed. Authorized withdrawal from Nonnewaug River shall be limited to Spring months (April-June).
3. The method and rate of withdrawal shall be controlled and monitored to ensure:
  - No erosion occurs between the river and the swimming pool.
  - To prevent turbidity within the river.
4. Withdrawal shall be limited to once annually for a period of five (5) years and to a maximum of approximately 8,000 gallons for the sole purpose of partially refilling the existing inground swimming pool.

**C. Approval Compliance / Changes**

1. Failure to maintain compliance with this permit shall constitute a violation of the terms of this permit and the Woodbury Inland Wetlands and Watercourses Regulations.
2. Any substantive additions or changes to the approved regulated activities shall require prior review and separate approval and permit.

**D. Expiration**

1. This permit shall be valid for a period of five (5) years from the date of approval and shall expire and be null and void without further written notice per the date set forth above.
2. This permit shall expire and be null and void without further written notice should the pool or its use be discontinued, abandoned or otherwise removed or replaced.
3. This permit does not extend to any new or additional swimming pool or any other water holding containment facility on the premises, nor does it permit the discharge or withdrawal of water to or from Nonnewaug River for any other purpose (excluding action of emergency services).
4. Prior to the expiration, a new permit may be applied for, and the Agency may grant a new permit for one or more additional years, not to exceed five (5) years. Any request for a new permit shall be in writing to the Agency in a timely manner prior to the expiration date. In considering any such request, the Agency may require a public hearing and may adjust the conditions of approval set forth herein.

**MOTION**            Made by **NEWELL**, seconded by **RICHARDS**  
Votes: 5-0-0 – **Approved** – Motion Passed  
Ayes     Tyrrell, Turoczi, Newell, Gillette, Richards  
Nays     None  
Abstain  None

RECEIVED & FILED  
IN WOODSBURY, CT  
This 25<sup>th</sup> day of August 2022  
[Signature]  
Town Clerk