

# 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)

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REGULAR MEETING MINUTES – August 26, 2024 – 7:30 PM  
Senior/Community Center - 265 Main St. South, Woodbury, CT 06798

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**MEMBERS PRESENT**

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

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**MEMBERS ABSENT**

Michael McAloon, Alternate  
Ernest Werner

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**NOTED OTHERS PRESENT** – Will Agresta (Town Planner), Tom Kaelin (Town Attorney), Lisa Turoczi, Karin & Stuart Adams, Ted Mannello, Atty. Pilicy, Hiram Peck, Atty. Hoyler, Amy Mennillo, Koen & Patrice Loeven, Lee Steiner, and Paul Willets

**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 Alternate Pabst.

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

**PENDING APPLICATIONS / DELIBERATIONS**

**24-IW-0022 – 10 Transylvania Road / Map 36, Lot 5 / R-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.**

*Member Turoczi recused himself and Alternate Gillette was seated.*

There was brief discussion about the property and how it survived the recent 1000 year flood event. Members had no further questions or concerns from the previous meeting presentation and viewed the draft motion.

**MOTION:**

To approve 24-IW-0022 – 10 Transylvania Road / Map 36, Lot 5 / R-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.

Moved by NEWELL, Seconded by GILLETTE

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

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

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

*Member Turoczi returned to the meeting at 7:38 p.m. Alternate Gillette was unseated and Member Turoczi reseated.*

**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.**

Chair. Tyrrell noted that a site walk of the property was held the previous day. A new plan indicating the wetlands and 100 ft. setback has not yet been submitted but is being worked on. An area of a drainage gully was noted. It was recommended that the owner may want to address stopping the stone from the driveway from potentially being pushed over the edge towards the brook during plowing. This has not happened yet but may be something to consider for the future. Member Turoczi noted that the flagging in the field was fairly accurate to where the stream is. There was no disturbance or erosion seen by members and members did not observe any washout of the driveway into the open field area.

The Agency questioned when they could expect a revised map as discussed at the previous meeting. Mr. Mannello indicated that his surveyor has the information and he is awaiting its completion. It was discussed whether the Agency could decide without having the map in hand or felt more comfortable waiting for the submittal. Member Turoczi felt comfortable, the flagging was fairly accurate and there were no disturbances and usage of the facility for propane storage is not affecting the resource.

It was confirmed that the smaller sized empty storage tanks are stored inside the building. Larger tanks that cannot be kept inside are delivered to the property for delivery and are there for just a few days. These tanks are empty.

Mr. Mannello explained the storage of the methanol is inside the building in a 55 gallon drum. It was questioned if something could be designed for the drum to sit in so that if the container should leak, it would be contained. Mr. Mannello was amenable to doing something like that. Mr. Mannello explained the use of the product is to dry out the tank, a very small amount is put into the tank and it is not necessary to empty it.

Member Newell noted she walked the site later in the day of the site walk and found it to be surprisingly stable. A draft map was provided by Mr. Mannello and reviewed by the Agency. It was estimated that the brook is about 81 ft. and then 25 ft. down.

Atty. Hoyler was present representing abutting property owner Mr. Peck. Atty. Hoyler focused on three main points:

- (1) A site plan including a fence extending into the upland review area has been filed on the Town's Land Records. This should have required an approval from the Agency and as long as it stays filed on the Land Records it should be approved.
- (2) The site plan shows a propane tank installed at the corner of the building, also in what appears to be the upland review area. The Agency has previously required submittal of applications for propane tanks in the review areas.
- (3) There is still not a map filed with the Agency to show the extent of the wetlands or upland review areas.

They are asking that the Agency make a Jurisdictional Determination to determine that these activities require review and permit approvals by the Agency.

In addition to the fencing and the propane tank, it was clarified by Atty. Hoyler that the parking of commercial vehicles in the upland review area may also require an approval. Chair. Tyrrell noted that the parking has always been there and it has always been a commercial use and did not see that to be a change. The location of the propane tank with respect to the upland review area would need to be shown on the maps once received.

Planner Agresta explained that the fence shown on the map filed on the Land Records shows more fencing than that which is on the current site plan. The ZBA required a buffer of plantings or a fence. Mr. Mannello chose a

fence and filed the map accordingly; however, he did not completely install the fence and seems to have stopped at the wetland review area. The fence shown on the filed map is not entirely installed. Atty. Hoyler stated that it is their opinion that for the plan to be filed on the Land Records it should have received wetlands approval whether or not it was constructed.

Atty. Tom Kaelin interjected that for the Jurisdictional Ruling it is a question of what the applicant has put in. The Agency viewed what was put in and hopefully the mapping will reflect whether it is outside the regulated area or not and if it is, it is up to the Agency to decide if that is a jurisdictional activity. Whether additional fencing will be required will be decided by the ZBA. The map with the plan has been filed, but it has not been resolved whether that work is going to be done. The judge has asked for more clarity on the buffer (i.e. where, when, how, what). Atty. Kaelin suggested that the Agency focus on what has been installed. Agency consensus was to wait for the map showing the wetlands regulated areas.

It was confirmed that the installed propane tank is 150 gallons, Mr. Mannello noted that they obtained a permit from the Town. It was noted that the Agency walked the site and viewed the tank and saw no issue with it, however, they require a permit if it is in the regulated area. No impact was identified whether they have a permit or not.

Atty. Kaelin reminded that the applicant got an approval for a change of use. The applicant is asking if the change of use that they got approved from the ZBA required any permitting from the Wetlands Agency. Mr. Mannello indicated that the propane tank was installed after that approval. The ZBA approval was reviewed by the Agency. If the propane tank was not part of the change of use application, that is not something the Agency should be looking at for this application. The tank installation would require a separate review and possible permit.

Atty. Hoyler understood the court comments to be that because the application never went before the Wetlands Agency in the first place the application should be looked at as anew and a part of their change of use. If it was not there before and is there now it falls under the concept of the change of use.

Member consensus was to table conversation until the new map including the wetlands and regulated areas is submitted.

#### **NEW APPLICATIONS**

**24-IW-0025 – 193 Washington Road / Map 39, Lot 1 / OS-60 District / Koen and Patrice R. Loeven (applicant/owner); Amy Mennillo (agent) / Within regulated upland review area: Install generator and two 120-gallon above ground propane tanks.**

Amy Menillo was present for the discussion representing the owners Koen & Patrice Loeven also present. The location of the two propane tanks were shown to be on the side of the garage. Trenching will be done to the generator which will be 5 ft. off the house to meet code. The property was reviewed on the GIS by the Agency. Chair, Tyrrell explained details of the property and its location. The location of the propane tanks at the rear of the garage is about 5 ft. before the elevation drops. The property is limited as to where they can put the generator and tanks. It was confirmed that a green composite pad will be used under the tanks. Members had no further questions or concerns regarding the activity and a draft motion was requested by the Agency for the next meeting.

**24-IW-0026 – 628 Middle Road Turnpike / Map 77, Lot 58-A / OS-60 District / Paul Willets (applicant/owner), Lee Steiner, Ground Breakers Building and Excavation LLC (agent) / Construction of a 2,400 sf (40 ft x 60 ft) accessory storage barn and expanded driveway area.**

Lee Steiner was present representing the owner, Paul Willets, also present. Planner Agresta reviewed the plans with the Agency. The wetland line is from a previous survey. There's an existing house and accessory structure along with a hoop house. Paddocks and driveway locations were shown on the plans. The proposed barn location and additional driveway access was shown in relation to the 100 ft. regulated area. It was noted that this proposed barn would not be allowed to be used for animals. It was confirmed that it will be used for hay and equipment storage. The location chosen is the highest and driest area. It was explained that other configurations were reviewed to try and keep the barn farther from the wetlands. This area was chosen as the driveway is level

and one side will be used as a retaining wall for ease of access to one side of the barn. A frost wall slab will be used. Limitations on where to put the building to keep it out of the wetlands were noted. There would be more grading involved for other options. They are using a level area that they will notch into the hill using the upper grades to make access easier. A drip line of stone trenching will be used for drainage. Planner Agresta noted that using the stone in the driveway as part of the drip line would not meet stormwater requirements, however it would not create any erosion. About 55 yards of material will be deposited for the parking area. The pond area to the barn was noted. The Agency had no further questions or concerns. A draft motion was requested for the next meeting.

#### **ENFORCEMENT & WETLANDS UPDATE**

##### **24-IW-0004 – 64 Westwood Road / Map 38, Lot 54-1 / R-40 District / Town of Woodbury (applicant/owner) / Three Rivers Park – Restoration of river-bank storm erosion.**

It was thought that a representative from Parks and Recreation would be present at the meeting. Chair, Tyrrell gave an update on the advisory committee meeting. The committee decided to suspend the application work with Troutscapes and plant the sloped area with native shrubs and leaving the tree in the river in place. Todd Bobowick from NRCS reviewed the area and commented that the amount of material deposited around the tree will “forbid them to remove it” and it would take a big storm to move it. They could cut top branches so things don’t get caught up in it.

Carol Haskins of Pomperaug River Watershed Coalition (PRWC) was present and reviewed a proposed new plan. The Ad Hoc Committee reviewed the site and felt the area was now fairly stable and that maybe they should plant the area. A phased plan approach was reviewed by the Agency. They are going to plant the area that is already self-stabilized and vegetating itself with native shrubs and plants. Phase 2 could be reviewed further down the road and would require Army Corp permits. Phase 1 is a restoration planting proposal and could be approved jurisdictionally as a modification to what was already looked at and approved by the Agency. An area that is less steep will be left alone for now, to allow river access. The plants in the plan were reviewed. It is just 24 plants and installation will be quick. A representative from the Town (Parks & Rec) will need to authorize and submit the plan for the modification and represent it at the next meeting. It was requested that a draft approval to incorporate the change be ready for the next meeting.

##### **24-ENF-IW04 – 544 Old Sherman Hill Road / Map 2, Lot 5 / OS-80 / Nicholas Bennett / 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.**

No new information has been received.

##### **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.**

No new information has been received.

The following items were not discussed:

- **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 – 08/12/24

**MOTION:**

To approve the Regular Meeting Minutes of August 12, 2024, as submitted.

Moved by **NEWELL**, Seconded by **GILLETTE**

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

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

**Regulation Review**

**Draft Inland Wetlands and Watercourses Regulations**

Planner Agresta will touch base with First Selectman Perkinson with regards to funding for Attorney review.

**Draft Forest Practices Regulations**

Member Pabst noted he has spoken with a forester professional who may be able to attend a meeting for discussion.

**CORRESPONDENCE** – Included a memo from Planner Agresta regarding propane, a memo from Member Turoczi regarding emergency permit reviews and a letter from Bill Burgess regarding the proposed Solar Project.

**PRIVILEGE OF THE FLOOR**

Member Gillette questioned the status of the 93 Weekepeemee Road remediation. There has not been a plan received thus far as required. The attorney is in touch with them.

Member Gillette noted that the second driveway at 420 Transylvania Road has washed into the road. Planner Agresta noted that this is outside the regulated area.

**ADJOURNMENT**

**MOTION:**

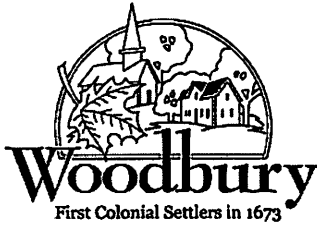
To adjourn the meeting at 9:00 p.m.  
Made by **NEWELL** with no objections.

Respectfully submitted,

Anne Firlings

Anne Firlings, Inland Wetlands & Watercourses Agency Clerk

RECEIVED & FILED  
IN WOODBURY, CT  
This 28<sup>th</sup> day of Aug 2024  
at 1:03 o'clock PM  
Maria M. Mancini  
Town Clerk



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Inland Wetlands and Watercourses Agency**

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**WETLANDS / WATERCOURSES PERMIT APPROVAL  
10 TRANSYLVANIA ROAD – 24-IW-0022  
Stream Bank Erosion Maintenance / Restoration  
Stuart and Karin Adams (owner/applicant)**

<b>Date of Approval</b>	<b>August 26, 2024</b>
<b>Permit Expiration*</b>	<b>August 26, 2026</b>

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

Applicant	Stuart P. and Karin J. Adams
Property Owner	Stuart P. and Karin J. Adams
Application	24-IW-0022
Project	Within regulated watercourse/wetland and regulated upland review area: Stream bank erosion maintenance/restoration.
Address	10 Transylvania Road, Assessor Map 36, Lot 5
Site Acreage	1.57 acres
Zone	R-40 Zoning District

**WHEREAS** the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application **24-IW-0022** as submitted by the applicant/owner listed above in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury (“IWWA Regulations”) seeking a Wetlands/Watercourses Permit (“Permit”) to implement the “project” as described above; and

**WHEREAS** the following mitigation measures are proposed:

- Work will be of a temporary short-term duration during a dry (non-rain) period.
- Work is intended to stabilize the stream bank with use of layered rocks and plantings.
- Erosion and sedimentation controls as warranted will be maintained during construction; and

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

- Application for Inland Wetlands Agency Permit
- Stream Bank Restoration, Earth Tones. LLC, 07/15/24
- Site Photos; and

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

- No significant adverse off-site impacts are anticipated.
- Site disturbance during stream bank erosion maintenance/restoration will be short term.
- Site disturbance impacts can be further mitigated by the conditions listed below and the proper use and maintenance of soil erosion and sedimentation controls as may be warranted and/or required.
- The Agency classifies the application as Summary (not involving a “significant impact” thus a public hearing is not required); and

**BE IT FURTHER RESOLVED** the Agency, in accordance with §10 of the Regulations following deliberations hereby approves application 24-IW-0022 as described above, subject to modifications and conditions set forth below; and

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

**BE IT FURTHER RESOLVED** this approval is specific to that detailed herein and the final plans endorsed as “approved” subject to the following modifications and conditions:

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

1. **Final Plans** – The plans presented shall be endorsed as “approved” by the Agency / Town Planner.
2. **Other Required Approvals** – No work shall be authorized to commence absent securing all required approvals. Other required approvals shall be separately obtained by the applicant and copies thereof shall be provided to the Agency office for inclusion in the permit record file.
3. In accordance with §13 of the IWWA Regulations, a Site Remediation / Soil and Erosion Control Bond in the amount one thousand (\$1,000.00) dollars shall be submitted to the Land Use Office in a form and content as acceptable by the Town. The bond shall remain in full force and effect until such time as the bond is released by the Town.

**B. Conditions During Construction**

1. All stream bank erosion maintenance/restoration work shall be conducted during a dry period (with no rain in the forecast).
2. Prior to commencement of any site work or site disturbance, the limits of disturbance shall be clearly marked in the field to the satisfaction of the Land Use Office and the Land Use Office shall be provided a minimum of 48-hours of notice. No regulated activity shall commence until erosion and sedimentation control devices have been properly installed to the satisfaction of the Land Use Office and inspected by the Land Use Office. The applicant shall maintain and supplement the controls as needed, and the Land Use Office may require additional controls as may be deemed necessary or warranted.

3. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction and shall be promptly notified as to any issues or potential deviations in completing the site work as designed and approved, so either appropriate minor field changes may be authorized by the Land Use Office or the need for a new or modified permit approval can be identified.
4. The following shall be followed in relation to the project:
  - No stream or ground disturbance beyond that shown on the final approved plans is authorized.
  - Stream and ground disturbance shall be contained and maintained to the minimum necessary to complete the authorized maintenance/restoration improvements.
  - Erosion and sedimentation controls as may be needed shall be installed and maintained, and additional controls may be required at the direction of the Land Use Office if deemed necessary.
  - Cutting of trees/vegetation shall be avoided to the extent practicable.
  - Cut trees/vegetation, storm carried trunks and related woody debris shall be disposed off-site or relocated within the property away from the stream corridor and in an area where such will not re-enter the stream corridor or damage established ecological communities. There shall be no burying of any tree trunks, stumps or other woody debris including but not limited to branches, wood chips and the like. Relocated trees/vegetation and woody debris shall be left to decompose in place where relocated.
  - Imported and existing stone cobbles/boulders shall be used to reinforce the stream bank – surface stone cobbles/boulders are to be used, no substantive digging or excavating shall be permitted.
  - Following construction, all work access paths shall be reestablished to original condition.
5. Construction vehicles/equipment not in use shall not be stored, and at no time shall such be washed out, within a wetland/watercourse or regulated upland review area. Washout material shall be contained in a washout pit or equal containment system and hardened material removed from the site for disposal at an acceptable location elsewhere.
6. Construction stockpiles and staging shall not be within a wetland/watercourse or regulated upland review area. The site shall be kept clean of all loose debris, litter, and similar materials to prevent such from entering wetlands/watercourses. Silt fencing and other site erosion and sedimentation controls shall be regularly maintained and any silt build-up along the fence line shall be promptly removed and placed as acceptable fill in areas outside of regulated area and where such will not allow the material to migrate.
7. Disturbed soils shall be stabilized in a timely fashion, particularly to avoid/minimize erosion impacts. Specifically, if grading operations at the site will be suspended for a period of thirty (30) days or more, the applicant shall seed or employ other appropriate control measures to stabilize the affected area within seven (7) days. Also, upon completion of any grading activity, the applicant shall seed/stabilize affected areas within seven (7) days.
8. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of wetlands/watercourses or regulated upland review area. The Land Use Office and CT DEEP shall be notified immediately of any spillage, discharge or loss of oil/petroleum/chemical liquids or solids which have occurred or will likely occur as a result of the activity.



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

1. **Final Inspection Required** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion (**final sign-off and permit closure**) of the approved regulated activities, subject to the following:
  - Submission of an As-Built Plan detailing and certifying the completed improvements shall be provided by the applicant in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final plans.
  - Verification the site has been cleaned of construction related equipment, materials, and debris.
  - All disturbed areas have been stabilized and exhibit healthy vegetative cover.
  - All erosion controls have been appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.
  
2. **Bond Release** – Upon written request by the applicant following completion of all approved work consistent with the approved final plans and verification the site is stabilized to the satisfaction of the Land Use Office, the bond may be released by the Land Use Office. The Land Use Office may refer any request for bond release to the Agency.
  
3. **Approval Compliance / Changes** – Failure to maintain compliance with this permit and the approved final plans shall constitute a violation of the terms of this permit and the IWWA Regulations. Additions or changes to the approved regulated activities shall require prior review and separate approval and permit.
  
4. **Expiration** – This permit approval shall expire and be null and void without further written notice per the date set forth above unless all regulated activities, including site stabilization and landscaping, are completed consistent with the approved final plans. The Agency may grant one (1) or more extensions of time to complete same, not to exceed that as may be permitted. Any request for extension shall be in writing to the Agency in a timely manner prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension. In considering any such request, the Agency may require a public hearing and may adjust any held bond.

**MOTION**

Moved by **NEWELL**, Seconded by **GILLETTE**

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

Aye Tyrrell, Newell, Richards, Gillette, Pabst

Nay None

Abstain None