



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

RECEIVED FOR RECORD
August 21 2P
MAYOR
TOWN CLERK, WOODBURY CT

REGULAR MEETING MINUTES
August 9, 2021 – 7:30 p.m.
Senior/Community Center, 265 Main St. South

MEMBERS PRESENT:

Wes Clow
Marty Newell
Kyle Turoczi
Mary Tyrrell
Ernest Werner

ALTERNATES PRESENT:

Earl Gillette
Evan Hard
Don Richards

ALSO PRESENT: Richard McClintock, Dan & Michelle Fusco, John Novak, Joseph Nozzolillo and a member of the press.

REGULAR MEETING

The meeting convened at 7:30 p.m.
Seated for the meeting were regular members Clow, Newell, Turoczi, Tyrrell and Werner
Members were reminded of the Conflict-of-Interest Statutes and the Town Charter.

PENDING APPLICATIONS

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

Richard McClintock was present for the application and had submitted new plans. Members reviewed the plans as Mr. McClintock explained them. He shared calculations that his barn is “fairly light.” His plan is to use stone accumulated from his property and using it to dry lay a foundation. Mortar will be used to strengthen the stone foundation. This represents zero net of displacement of materials. New codes allow shallow foundations in frost protected areas. You do not need to go down 42” just 18”. 33.6 cu.ft. of ¾” crushed stone will need to be added underneath the foundation for proper drainage for frost heave. Therefore, 33.6 cu.ft. of new fill would be required. Polystyrene foam would also be used with backerboard for 49.6 cu.ft. Net added soil displacement of added fill would be 86.2 cu.ft. Excess soil will be placed in the center of the barn. It was confirmed that the barn will not be expanding in size, it will remain the same size as the existing barn. Drawings were reviewed by the Agency. It was clarified that the height of the barn would be approximately 15 ft. to the peak. It was confirmed there will not be a second story but will have a loft/storage area above. Height of the wall is no more than 10’. The Agency needs to know the volume of material being deposited and it makes a difference which foundation is being used. If they approve one foundation and it needs to be changed, the applicant will need to come back to the Agency for an approval of the change. Mr. McClintock is applying for the 18” foundation. Members discussed that an engineered signed sealed set of plans is necessary for their approval. Member Clow questioned the structural integrity of the design. Rebar details are not shown on the drawings. An engineered stamped plan for the 18” foundation will be required. The Agency is uneasy about approving a building completely in a flood plain, they need to be assured that the building is going to be structurally sound and be able to withstand potential flood waters. They need a complete plan and application certified by a licensed engineer. An extension should be requested in writing to continue the discussion. It was suggested that the new plans be submitted prior to the day of the next meeting. Alternate Richards noted that about ten years ago, Dick

Leavenworth, an expert on the rivers in town, had stated that the flooding in town will get progressively worse over the years.

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

Dan and Michelle Fusco were present for the application. A revised map had been submitted and was reviewed by the Agency. Members had no additional concerns with the application.

MOTION:

To classify the application (21-IW-2125 / Dan & Michelle Fusco / 197 Minortown Road / Construction of an Inground Swimming Pool Within a Regulated Area / Map 025 / Lot 002A-2) as summary.

Made by Member Clow, Seconded by Member Werner

Vote: 5-0-0 in favor

A draft motion was reviewed by the Agency.

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-2125 submitted by Michelle and Dan Fusco for the installation of a 600 square foot swimming pool and blue stone pavers within a regulated area at 197 Minortown Road, Woodbury, Connecticut (025/002A2) and

WHEREAS, the Agency has received the following material:

- a) An application dated and received July 22, 2021;
- b) A revised sketch indicating the location of the blue stone pavers received August 3, 2021; and

WHEREAS, the Agency classified the application as Summary; and

WHEREAS, the Agency has carefully considered all the information submitted; and

WHEREAS, the Agency finds that the proposed activities will have minimal environmental impact on wetlands and watercourses, there are no significant offsite impacts, and that possible impact on wetlands and watercourses outside the area for which activities are proposed can be further mitigated by the conditions listed below and the proper use of soil erosion and sedimentation controls during construction;

NOW THEREFORE BE IT RESOLVED that the Woodbury Inland Wetlands and Watercourses Agency Approves the application submitted by Michelle and Dan Fusco for the installation of a 600 square foot swimming pool and blue stone pavers within a regulated area at 197 Minortown Road, Woodbury, Connecticut (025/002A2), as described on the submitted Inland Wetlands and Watercourses Agency application form dated and received July 22, 2021. Subject to the following conditions:

1. The applicant shall provide the Land Use Office with 48-hour notice prior to construction and shall not commence approved work until soil erosion and sedimentation control devices have been installed and inspected.
2. There shall be no burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like. The stumps of all significant trees shall be left in place for stabilization of the affected area(s).
3. The construction equipment shall not be washed out in the regulated area. Washout material shall be contained in a washout pit or equal containment system and hardened material removed from the site for

disposal at an acceptable location elsewhere. Washout pit location to be determined and approved by the Land Use Office.

4. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses.
5. All paths used for site access will be reestablished to original condition.
6. Stockpiles of earth materials shall be stored outside the 100' regulated area.
7. Removal of silt fences shall take place only after the silt build-up along the fence line has been removed. This material shall be removed from the site or placed as acceptable fill in areas that will not allow the material to migrate.
8. Disturbed soils will be stabilized in a timely fashion to minimize erosion. Specifically, if grading operations at a site will be suspended for a period of thirty (30) days or more, the applicant will accomplish seeding or other appropriate measures to stabilize the area within seven (7) days. Also, upon completion of any grading activity, the applicant will seed/stabilize the area(s) within seven (7) days.
9. All disturbed areas and earth material stockpiles within the regulated area must be stabilized by October 15th of any year.

Made by Member Turoczi, Seconded by Member Newell

Vote: 5-0-0 in favor.

NEW APPLICATIONS – None

At this time, Chairman Tyrrell asked the Agency to amend the agenda to discuss the Correspondence items next to accommodate those present at the meeting.

MOTION:

To amend the agenda to go to Correspondence and return to the agenda after.

Made by Member Clow, Seconded by Member Werner

Vote: 5-0-0 in favor.

CORRESPONDENCE

A letter and documentation regarding 170 Sprain Brook Road were received by the Agency. John Novak and Joseph Nozzolillo were present to discuss their issue. Mr. Nozzolillo is unable to obtain a certificate of occupancy for his home as there is an outstanding condition with respect to the Inland Wetlands approval. A letter from Mr. Novak was read for the record. The applicant has attempted numerous times to contact Soil Resource Consultants to submit their reporting for the Agency approvals, however, have been unsuccessful in reaching the consultant. Civil 1 was also unable to reach the consultant and was unable to find another representative willing to take over the reporting. Abby Conroy's email from 2019 was noted for the record. Current photos of the site were reviewed by the Agency. The metal stakes for the conservation markers were discussed. The original motion of approval was reviewed. Consensus of the members was that the plantings needed to be reviewed by a third party. Member Turoczi volunteered to review the site and planting plan. It was discussed that an independent third party should be used. This party should take the map and verify that the correct plantings are in, where they are supposed to be and are viable. An invoice from the nursery is not enough, it should be certified that they were planted according to the planting plan and are still alive. A May 9, 2019, email from Abby Conroy was read for the record. Mr. Novak argued that the Agency has the invoice for the plants and that should be sufficient. The Agency requires something to state that the nursery installed the specific plants according to the planting plan. The Agency needs someone to certify that they went out with the approved planting plan and saw that things were planted accordingly and that they are certifying that it is there and alive.

An email dated August 9, 2021, from Sebastian Caldarella was read for the record regarding an issue with a man-made dam in the river in the vicinity of 53 and 62 Bethlehem Road. Photos were reviewed by the Agency. It was obviously done purposefully, as it is in a "U" shape to pool the water. It was discussed how they handle the situation when it is unclear who is responsible. It was asked if the newspaper can inform the public that you cannot do these things especially without proper permitting. GIS mapping of the area was reviewed. It was asked that a response be emailed to Mr. Caldarella and that this item be placed on the agenda under Enforcement in order to track it.

OTHER BUSINESS – Alternate Gillette questioned activity he had heard about regarding the river at the Stomski Preserve. This was discussed at a Board of Selectmen meeting, but the Agency was not notified. It was asked that a memo be sent from the Land Use Office that if something is going on that they be notified because they are concerned with activity in and around the river particularly on town properties. A towns person went to the Selectmen's meeting and showed pictures of stuff going on down by the river at the Stomski preserve. Alternate Gillette understood it to be the person who is leasing the property but is not sure.

ENFORCEMENT & WETLANDS UPDATE

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

Member Werner recused himself from the discussion and left the meeting. Alternate Hard was seated in his place.

Chairman Tyrrell noted that Mr. McGovern seems to be depositing materials around the building. She has seen on more than one occasion piles of dirt and then sees it pushed out and leveled off. It does not seem to be topsoil. Mr. McGovern was told he did not have permission to do the work. A cease and desist has not been done. The attorney was working on a letter, it was asked that the Land Use Office follow up on the status of the letter.

21-ENF-0004 / North / 148 Tuttle Road / NV Grading Activities within a Regulated Area and Diversion of Water Toward the Adjacent Property Leading to Sedimentation & Silt Accumulating in an Existing Wetland / Map 021 / Lot 028-3

Rich Lamothe will notify the Agency when the road work is complete, at which time Mr. North will be contacted to resolve the issues.

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

An email from Mr. Foger was received as well as a letter from Mr. Grimm with suggestions of plantings for the site. An application needs to be submitted. Member Turoczi submitted a document for the record and noted that scientific terminology rather than common names needs to be submitted. Several suggested plantings appear to be invasives and some appear to not grow well in the suggested locations. Common names should not be acceptable because of this problem. An application and specific planting plan need to be submitted and approved by the Agency before any work is done on the site. Activities need to be stabilized by October 15, so this application should be submitted quickly if he wishes to begin work this fall.

PRIVILEGE OF THE FLOOR

Alternate Richards stated that when they require Conservation tags, that they should specify the type of posts required. He also noted that with Member Turoczi's qualifications, he feels comfortable with him reviewing sites and reporting back to the Agency. He suggested that in doing so, he may need to recuse himself from applications to avoid any Conflict of Interest. It should also be made clear to property owners that if something else detrimental to the wetlands is noticed, that it will be reported back to the Agency. The goal is to protect the resource, Member Turoczi is willing to assist in the absence of an enforcement officer.

CONSIDERATION OF MINUTES – 7/26/21 Regular Meeting

MOTION:

To accept the minutes (of the July 26, 2021, meeting) as presented.

Made by Member Newell, Seconded by Member Turoczi

Vote: 5-0-0 in favor

ADJOURNMENT

MOTION:

To adjourn the meeting at 9:13 p.m.

Made by Member Newell

Filed subject to approval.

Respectfully Submitted,

Anne Firlings

Anne Firlings, Clerk
Inland Wetlands & Watercourses Agency