

Town of Woodbury

Inland Wetlands and Watercourses Agency

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

MINUTES – SEPTEMBER 12, 2022

REGULAR MEETING

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

MEMBERS PRESENT

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

MEMBERS ABSENT

Wes Clow
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 7:35 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-0023 – 5 Minortown Road / Map 23, Lot 19 / OS-60 District

*J Amelia Pillis (applicant – Eagle Scout candidate), Regional School District #14 (owner)
Jurisdictional Determination of Permitted Use as of Right (§4.2b) per §4.4 – Proposed installation of wooden log pathway to create safe access trail for students and teachers to access River – Application also submitted in the alternative.*

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

Amelia Pillis, applicant and Eagle Scout candidate, presented her plans for a proposed short trail at the high school down a hill from the ballfields towards the river. She presented photos indicating the location of the proposed wooden log path. The path would be for the safety of the Ag and Science classes who use this area often, as well as for conservation of the area. Logs for the trail would be sourced from existing fallen trees at the property (as shown in the photos). The path would be approximately 60-feet long with a few log steps down a steep portion to avoid erosion. A couple of milled logs would be extended across an approximately 12-foot gully to provide safe crossing. The trail would stop before the water's edge, would not be in contact with the river and have a rock landing.

Chair Tyrrell inquired what would be used to anchor the logs, to which Amelia responded that the logs would be placed flat side up, set side-by-side and the end of the logs would be buried into the hillsides on each side of the gully.

The stability of the logs during use and possible flooding was raised by the Agency. The applicant explained how the logs would be dug into the ground and some flooding in the area has happened in the past but has been minimal. The path will be directly behind the school, higher up than the sandbar across the river by the corn fields. The Chair again inquired about the location of the gully and raised concern about possible flooding of the area. The aerial maps were viewed. The Agency suggested that staking the ends of the logs with steel rods should be considered to help keep the logs in place.

The Agency set a site walk for Sunday, September 25, 2022 at 9:00 am with the applicant. The Agency also requested Staff to initiate preparation of a possible DRAFT approval motion for its next meeting.

22-IW-0022 – 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District

Rocky River, LLC (applicant/owner)

Proposed rear building addition and conversion of partial existing motel into new restaurant use, including new septic, enlarged parking lot and associated site improvements.

George Johannesen PE, on behalf of the applicant presented the plans for the proposed restaurant and other site improvements. He noted that the new restaurant would include two small building additions and conversion of the center of the existing motel no longer used due to the elimination of an on-site manager. One addition would be to the rear of the building, while the other would be to the north end to add a utility room. Mr. Johannesen summarized the existing site conditions, status of the existing septic system with dry wells and the proposal to build a new septic system that would handle the entire facility (motel and restaurant). The new septic system fields would be in front of the motel, while the tanks would be to the rear. The Health District has not yet approved the proposed septic system.

Mr. Johannesen explained there is a full basement under the portion of the existing motel that would be used as the new restaurant kitchen, seating and bar areas would be on the main floor. The addition would be placed on a concrete slab.

Upon the Chair's inquiry, the engineer explained the location of the brook, wetlands and ditch, the upland review area as well as the 100-year floodplain limits. Most of the proposed improvements would occur in the upland review area. Only a small portion of the revised parking and portion of the proposed septic system would be located outside the upland review area in the front of the motel.

The Chair raised a concern regarding flooding as experienced during last year's storm that moved a significant amount of stone from property across the street.

Planner Agresta stated he performed an initial review for Wetlands and Zoning but is waiting to see a more complete application package and that he would have other site-specific comments.

Member Turoczi also questioned the completeness of documents. Mr. Johannesen stated he is gathering more materials including updated survey maps. He also confirmed that the last improvement was expanding the rooms out five feet in the front of the motel.

Alternate Richards inquired about any change in elevation of the parking lot, to which Mr. Johannesen responded the elevation change would be minimal, and the driveway and roof drainage would be directed away from the proposed septic system.

The Agency determined that a site walk would be scheduled following submission of a more complete application.

22-IW-0024 – 40 Fairgrounds Road / Map 36, Lot 26K-16 / RA-40 District

Douglas E. Tritsch (applicant/owner)

Proposed removal of a 10' x 14' portion of existing paved drive, replace with gravel for base of a proposed 8' x 10' x 12' accessory storage shed.

The applicant presented a property map, before and after the house was built, property lines, leach fields and surrounding roads. Also presented were photos of the existing driveway, the proposed site for the shed and the surrounding, natural area. The proposed shed would be placed on the former existing pavement (once a driveway) located along the property line. The existing asphalt will be removed from a 10' x 14' section of the driveway, gravel will be laid down and a prefabricated shed will be placed on top. The stream is located on the other side of the neighbor's property. There is a 15-foot elevation change at the property line and dense vegetation. Approval has been received from the Housatonic Valley Health District given that the proposed shed is not near to the existing septic and leach field locations. The shed is sited approximately 12 feet from the property line, less than its height.

Planner Agresta asked if the driveway was active or if any neighbors had easement over it, to which the applicant noted the driveway for the neighboring lot which has an easement was relocated to the current shared driveway elsewhere on the property.

The Agency indicated a site walk was not needed and requested Staff to prepare a DRAFT approval for its next meeting.

22-IW-0025 – 726, 740, 766 Main Street South / Map 102, Lots 20-1A, 20-B & 19 / MQ District
Jurisdictional Determination of Non-Regulated Activity per §4.4 – Special Permit Application to the Zoning Commission for proposed Consolidated Development Plan.

Ron Wolff, PE presented on behalf of the applicant a site map showing the location of the existing buildings, parking lot configurations and the location of South Brook. Ken Devino was also present. The Consolidation Development Plan includes a shared driveway and parking area to enhance accessibility and pedestrian friendliness as well as shared utilities. Interior setbacks separating the buildings would be eliminated creating more of a community. The exterior setbacks will still be adhered to. The interior setback changes will not impact South Brook and the setbacks will continue to be in place.

Upon Chair's inquiry, the properties were not affected by last year's storm or the washout from across Main Street. Drain was not catching the water and brought the water across the street instead. Gravel ended up on the road only, not on the applicant's properties. The wetlands are located along South Pomperaug Avenue but are at a higher elevation with the Pomperaug River behind.

Alternate Richards inquired if South Brook was free and clear of debris and checked regularly, to which the applicant indicated that the water flows freely and the banks are kept clean.

Upon the inquiries of Chair and Alternate Richards, the proposal is with Zoning right now, not realigning the parking or access to the commercial buildings. No physical activity is being proposed at this time.

Based on the information received, the Agency rendered the following determination regarding the application for concurrence of a non-regulated jurisdictional ruling as submitted:

MOTION:

To approve 22-IW-0025 – 726, 740 and 766 Main Street South / Map 102, Lots 20-1A, 20-B & 19 / MQ District issuing a Jurisdictional Determination of "Non-Regulated Activity" per §4.4 relating to Special Permit Application 22-ZC-0015 pending before the Zoning Commission.

Made by NEWELL, Seconded by TUROCZI

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

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

PENDING APPLICATIONS / DELIBERATIONS

22-IW-0021 – 104 Quanopaug Trail / Map 25, Lot 29-A / OS-60 District

Edward & Lucinda L. Hart (applicant/owner).

Proposed dredging of pond and stream of approximately 30 CY.

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 prepared by Staff.

Alternate Gillette requested confirmation of the \$2,500 bond amount; to which the Chair confirmed that the bond amount was set by Planner Agresta to standardize bond amounts and to cover unforeseen damage or issues.

MOTION:

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

Made by RICHARDS, Seconded by NEWELL

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 PE, Michael Lambert, presented the updated materials to the Agency. The Agency noted it conducted a site walk the previous day.

Upon the Chair’s inquiry, the owner explained the logs adjacent to the millings and the log pile 100 feet from the wetlands is temporary and will be moved. The large stones will be moved to the perimeter of the wetlands to create a visual border.

Member Turoczi confirmed vegetation of new work and established areas were sufficient along driveway and south side.

Alternate Richards questioned the design of the two, 30-inch pipes and again called for a second PE analysis of the submission. In the event of a 100-year storm, the pipes would be less than one-foot under water with a bottleneck at the end from the force of the water. Concern for the road serving as a dam breaching was also raised. Mr. Lambert noted his second analysis of the two 30-inch pipes show it can handle the 100-year storm without overflowing the site road. The two pipes were an equal replacement due to erosion, not a new installation. The two crossings were in place and a third was added with the 12-inch pipe.

The Chair shared two letters from the Pomperaug River Watershed Coalition (PRWC) regarding their concerns about the sizing of the pipes and concern of analyzing 95 acres versus 800 acres. Mr. Lambert said 800 acres includes dozens of ponds and crossings and that such an analysis would take a very long time to complete and would not be a sound engineering practice. The applicant reminded the Agency that Mr. Lambert is a licensed, insured and qualified engineer and the Pomperaug Watershed is not.

Concerns were raised about the pipes becoming clogged and not work as intended. Mr. Lambert stated the owner can inspect the pipes and culverts after each rainstorm to remove any clogging. Mr. Lambert was confident the owner would properly maintain the areas of concern at the same high level as the rest of his property.

Planner Agresta stated that the road has impeded the water since the road was built. If the pipes cannot handle a 100-year storm, it will topple the road. Member Turoczi added if water topples the road, it has a place to go since wetlands are on the other side of the road.

The Chair raised a question about the increase in development and changes in the waterflow. Member Turoczi asked if the curve can be armored to lessen impact and reduce erosion. The Chair reiterated a possible need for a second opinion but sought perhaps an alternative of improving the outfall to reduce its velocity and potential for scouring, to which the applicant was agreeable, as was the other members of the Agency, thus avoiding the need for a second PE review.

Mr. Lambert also offered to raise the road clearance elevation from 9 inches to 12 inches and flattening the road to create a 1-foot clearance above the 100-year storm line. The second solution would be placing large rocks at the exits of the large pipes to break the impact of the water flow, stabilize the bank and reduce erosion. The size of the rocks and spacing will need to be detailed. The Agency requested that Mr. Lambert submit adjusted plans and that Staff was to begin a DRAFT approval for the next meeting.

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

A Staff memo following up on its site inspection was discussed and photos of the plantings reviewed. It was noted that the owners could not obtain irises but did use the nurseries recommendations of Black-Eyed Susan and Butterfly Weed. The Agency was satisfied with the work to date.

MOTION:

To remove enforcement 22-ENF-0011 – 168 Quassuk Road / Map 92, Lot 52-2 / OS-100 from the Agency Agenda (Jose and Katrina Rotunda).

Made by NEWELL, Seconded by RICHARDS

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

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

MINUTES - Meeting Minutes – 8/22/22

New minutes will reflect the amended Vice Chair’s name from Cow to Clow.

MOTION:

To approve minutes of the August 22, 2022 meeting as presented (with correction of name spelling).

Made by NEWELL, Seconded by TUROCZI

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

Ayes Tyrrell, Turoczi, Newell, Gillette, Richards

Nays None

Abstain None

CORRESPONDENCE

- The correspondence states that the fall monitoring of Mr. Foger’s property will be conducted this week by the design landscape architect and a report will be submitted to the office.

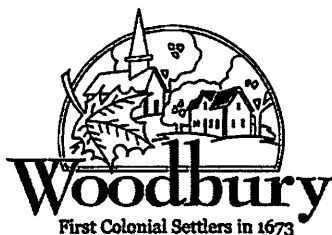
PRIVILEGE OF THE FLOOR

- Alternate Richards wanted it known that the applicant for the 726, 740 and 766 Main Street South project were made aware of the two brownfields on that particular piece of property.

ADJOURNMENT

To adjourn the meeting at 9:55 p.m.

Made by Member Newell, with no objections.



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WETLANDS / WATERCOURSES PERMIT APPROVAL

Date of Approval	September 12, 2022
Permit Expiration*	September 12, 2027

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

Applicant: Edward and Lucinda L. Hart
Owner: Edward and Lucinda L. Hart
Application: 22-IW-0021
Project: Dredging of outer perimeter of an existing pond and in-stream sediment basin
Address: 104 Quanopaug Trail
Map/Lot: 25/24-A

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application 22-IW-0021 as submitted by Edward and Lucinda L. Hart (applicant/owner) in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury (“Regulations”) seeking a Wetlands/Watercourses Permit (“Permit”) to dredge the outer perimeter of an existing pond and in-stream sediment basin on property consisting of approximately 9.12 acres located at 104 Quanopaug Trail within an OS-60 Zoning District, as shown on Assessor Map 25, Lot 24-A; and

WHEREAS, the following mitigation measures are proposed:

- Controlled temporary construction access;
- Dredging during low dry flow period and no discharge occurring from pond;
- Erosion and sedimentation controls during construction; and

WHEREAS, application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Annotated Plot Plan – Noting proposed dredging plans;

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:

- Direct impacts will be temporary to dredge and restore pond and in-stream basin capacities;

- Dredged materials will be relatively dry and placed on-site adjacent to existing site driveway, graded and seeded;
- Site disturbance impacts can be further mitigated by the conditions listed below and the proper use of soil erosion and sedimentation controls during construction;
- 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-0021 as described above, 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 and the final plans as endorsed as “approved” subject to the following *modifications and conditions*:

A. Prior to Commencement of any Work or Site Disturbance

1. The plans on file shall be endorsed as the Final Plans “approved” by the Agency / Town Planner, and to include the following note:
***22-IW-0021 – Approval Date: September 12, 2022 – Expiration Date: September 12, 2027
If regulated activities and conditions of approval are not completed accordingly.***
2. In accordance with Section 13 of the Woodbury Inland Wetlands and Watercourses Regulations, a Site Remediation / Soil and Erosion Control Bond in the amount **Two-thousand-Five-Hundred (\$2,500.00) 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.
3. Required approvals for the following shall be separately obtained and a copy thereof presented to the Agency office for inclusion in the permit record file:
 - **Woodbury Zoning and/or Building Permits**

B. Conditions During Remediation Construction

1. Prior to commencement of any site work or site disturbance, the limits of disturbance shall be clearly marked in the field 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 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. There shall be no burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like.
3. Construction vehicles and equipment not in use shall not be stored, and at no time shall such be washed out, within a regulated wetland/watercourse 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.
4. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses. All access paths shall be reestablished to original condition.
5. Construction stockpiles shall be stored outside the regulated 100-foot upland review area.
6. 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.
7. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of the regulated 100-foot 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.
8. Disturbed soils shall be stabilized in a timely fashion to minimize erosion. 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.
9. All disturbed areas and earth material stockpiles within regulated areas shall be stabilized by October 15th of any year.

C. Post Construction Compliance and Permit Closure

1. **As-Built Plan** – Upon completion of the approved regulated activities, 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.
2. **Final Inspection** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to the following:
 - All improvements shall be completed consistent with the approved final plans, and mitigation landscaping shall be installed, stable and exhibit healthy growth conditions.
 - The site shall be cleaned of construction related equipment, materials and debris.
 - All disturbed areas shall be stabilized and exhibit healthy vegetative cover.

- All erosion controls shall be appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.
3. **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 Land Use Office may release the bond (subject to submission of an adequate As-Built Plan detailing and certifying the completed improvements).
 4. **Drainage Improvements** – Discharge of drainage from the new improvements shall be controlled to prevent erosion. The proper and timely maintenance of the drainage improvements shall be a condition of continued compliance.
 5. **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 Woodbury Inland Wetlands and Watercourses Regulations. Any substantive additions or changes to the approved regulated activities shall require prior review and separate approval and permit.
 6. **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 an additional five (5) years total. 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 shall review the continued adequacy of any held bond.

MOTION

Motion by RICHARDS, Seconded by NEWELL

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

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

RECEIVED & FILED
IN WOODBURY, CT

This 20th day of Sept 2022
at 11:20 clock A M
Maria M. Marini
Town Clerk