

Town of Woodbury

Inland Wetlands & Watercourses Agency

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

MINUTES – SEPTEMBER 23, 2024

REGULAR MEETING

7:30 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

MEMBERS PRESENT:

Earl Gillette, Alternate
Michael McAloon, Alternate
Marty Newell, Vice Chair
Timothy Pabst, Alternate
Don Richards
Mary Tyrell, Chair
Kyle Turoczi, Secretary
Ernest Werner

MEMBERS ABSENT:

ALSO PRESENT: Tom Kaelin (Town Attorney), Atty. Pilicy, Ted Mannello, Atty. Hoyler, Hiram Peck, Sharon Story, Ellen Chieffello, Michael Mazzuco, Peter Paulos, Nick Bennett, Ian Branson and other members of the public.

OPENING OF MEETING

Call to Order – Chair Tyrell convened the meeting at 7:40 p.m.

Seating of Members / Alternates - Seated were regular members Newell, Richards, Turoczi, Tyrell and Werner
Conflict of Interest Reminder (CGS Section 8-11 & Woodbury Town Charter Section 901)

PENDING APPLICATIONS / DELIBERATIONS

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 not involve any new land disturbances.

Atty. Pilicy was present representing Mr. Mannello who was also present. Atty. Pilicy updated that Agency that the propane tank on the side of the building had been relocated to be outside the upland review area. Chair. Tyrrell noted that this was the last item that was keeping the Agency from making their determination. Either the installed propane tank needed an application or needed to be moved. Mr. Mannello provided a photo of the tank's new location for the record. Members had no further questions or concerns and reviewed a draft motion.

MOTION:

To approve Application #24-IW-0023 for Jurisdictional Determination (Seeking determination that a Wetland Permit is not required for a change in non-conforming use per Zoning Board of Appeals Special Permit that does not involve any new land disturbances) for property located at 858 Main Street North per draft approval resolution dated 9/23/2024.

Moved by **NEWELL**, Seconded by **RICHARDS**

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

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

24-IW-0027 – 18 Edward Avenue / Map 77, Lot 27-29 / OS-60 District / Ervin L. and Sharon A. Story (applicant/owner) / Within regulated upland review area: Install generator and two 120-gallon above ground propane tanks.

Sharon Story was present for the discussion. Information had been provided by contractor Clayton Gustafson for the record with regards to the generator dimensions and pad details. The location of the propane tank and generator were clarified for the Agency. The pad was described to be about 3-4 in. in elevation. It was questioned if there was a need for strapping or to raise the pad due to potential flooding in the area. This property is not located in a flood zone, however there are wetlands. The location of a watercourse was noted to be over one street off of Quassapaug Road. Ms. Story felt that the base that the contractor has recommended should be adequate. Members had no further questions or concerns and reviewed the draft motion.

MOTION:

To approve application #24-IW-0027 for property located at 18 Edward Avenue per Draft Approval Resolution dated 9/23/2024, as presented.

Moved by **NEWELL**, Seconded by **TUROCZI**

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

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

NEW / MODIFIED APPLICATIONS

24-IW-0028 – 101 Tuttle Road / Map 21, Lot 68B-3 / OS-100 District / Ellen Chieffalo (owner/applicant), Michael J. Mazzucco, P.E. (agent) / Within regulated upland review area: Construction and site improvements associated with the construction and use of a two-bedroom single family dwelling with associated driveway, septic, well and stormwater management.

Michael Mazzucco, PE; Peter Paulos, Jr., Architect; and Ellen Chieffalo, Property Owner were present. Mr. Mazzucco reviewed plans for a proposed single family dwelling on a vacant lot with associated site improvements. A small wetland and watercourse associated with the property was noted. The wetlands were flagged by Steve Danzer, Soil Scientist. This will be a single story two bedroom home with attached garage. The house is outside the regulated area; however, portions of the driveway and stormwater management system are within the upland review area. Grades are pitched towards the wetlands. Cut and fill areas were shown on the plans. A curtain drain with discharge area in the back is proposed as there may be seepage from a bank. The stormwater management plan was briefly explained. A Cultec system is being used. Chair. Tyrrell questioned an area on the plan wondering if an intermittent watercourse was there. Mr. Mazzucco felt the Soil Scientist would have identified that. An old gravel driveway, which has now grown in will be abandoned.

A site walk was scheduled for Sunday, October 13, 2024, at 9:00 AM. Corners of the house and driveway should be staked, along with the infiltrator outlet, drain locations and any other items proposed within the regulated areas.

24-IW-0004-A1 – 64 Westwood Road / Map 38, Lot 54-1 / R-40 District / Town of Woodbury (applicant/owner) / Three Rivers Park – Amendment of Prior Approval (24-IW-0004) to permit two (2) restoration of riverbank storm erosion.

Chairman Tyrrell briefly updated the Agency that the Ad Hoc Committee will be meeting with Troutscapes on Monday to review site changes that have occurred since their last visit to Three Rivers and after the recent flooding.

Chair. Tyrrell also notified that Parks & Recreation will be spraying the parks for mosquitos reading the ingredients for the spray.

ENFORCEMENT & WETLANDS UPDATE

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.

Mr. Bennett was present for the meeting. A rough sketch plan was submitted for the record. By his measurements the closest point to the river's edge from the debris area is approximately 91 ft. The mafia blocks have been exposed and are holding everything back. Mr. Bennett was amenable to Agency members stopping by to review the site. It was confirmed that the spreader and wood piles are still there, he did not want to go down to that area with a machine although the area is much drier now. Permission was granted by the Agency to remove dead trees and a planting plan was required to be submitted by the next meeting. Mr. Bennett was open to plant suggestions. Mr. Bennett thought that he could use Winter Rye to hold back the bank. A variety of shrubs and plants should be used and included on the plan. It was discussed that it would be sufficient for the plantings to go below the mafia block wall, above the wall would not need to be planted as it is 91 ft to the blocks. Materials, quantities and locations should be noted on the planting plan. Mr. Bennett confirmed that this area will not be used anymore, so will go back to its natural state.

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.

Mr. Lessard had sent an email updating that the barn reconstruction has not yet begun, he anticipates this will be at the end of October. No further discussion was had.

The following enforcement items were tabled:

- **23-ENF-IW05 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett installation.**
- **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**

39 Quanopaug Trail – It was noted that an email from Mr. Foger was received initiating the scheduling of a site walk of the property as the Agency had requested at a previous meeting. He would be available for this on Sunday, September 29, 2024.

The Agency discussed that a site walk would be beneficial and agreed to schedule the site walk for this coming Sunday, September 29, 2024, at 9AM.

Regulation Reviews:

Draft Inland Wetlands and Watercourses Regulations – Chair. Tyrrell updated that the regulations will be reviewed by Attorney Janet Brooks.

Draft Forest Practices Regulations – Ian Branson certified consulting forester was present for the discussion. Member Pabst had asked that he speak to the Agency with regards to the draft regulation that they were reviewing. Mr. Branson reviewed the proposed draft regulation. A number of concerns were raised:

- **Required Buffers** - These regulations will exclude a lot of smaller properties/areas from carrying out forest management practices. The regulation states “no activity in the buffer” which is highly restrictive. There are many benefits to the environment by cutting timber. This regulation may preclude property owners from timber harvesting.

- Commissions Regulating the Harvest Methods - The Forest Practices Act dictates who can prescribe these methods and you have to be a certified forester to do this. To regulate foresters choosing harvest methods on private land, the commission would need to have a forester on hand or on staff or hire a consulting forester.
- Requirements for Applications - The application process requiring a survey map seems excessive. Foresters can locate a boundary, but they don't necessarily require a survey. A forester would have enough detail to be able to determine property boundaries so as to not cut on someone else's property. Surveys are expensive, the value for the sale of the timber would not offset this cost.
- The regulations appear onerous.

Chair. Tyrrell noted that the Wetlands Agency is now the authority to regulate forestry for Woodbury. This is new for them and the Agency wants to work with applicants, while also maintaining their protection of things such as the 500 ft. vernal pool buffer, which has been in effect in their regulations for about 10 years.

The Agency will review the existing timber regulations (in the Zoning Regulations) as well as look at the state regulations. Mr. Branson noted that the State's approach is not to regulate the activities, but to be sure everyone involved is professional and licensed.

Mr. Branson suggested that the Agency also contact Nick Zitto with the Division of Forestry and get him involved. A copy of what was approved by the Town of Willington was noted and provided for the Agency for review. It's important to make sure the maximum number of landowners, if they have the wherewithal to practice forest management, be encouraged not discouraged and this should not be made too expensive for them.

ADMINISTRATIVE

Regular Meeting Minutes – 09/09/24

MOTION:

To approve the minutes of the September 9, 2024, meeting as written.

Moved by **NEWELL**, Seconded by **TUROCZI**

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

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

CORRESPONDENCE – None

PRIVILEGE OF THE FLOOR

Member Gillette requested follow up to activities he observed at 25 West Side Road, 56 West Side Road and Sprain Brook Road.

- 25 West Side Road - Agency consensus was that the log pile along the river edge was not impacting and that no further action was necessary.
- 56 West Side Road – The Land Use Enforcement Officer indicated that a notice had been sent to the owners of the property advising of the concerns and requested cleanup of the area.
- Sprain Brook Road/Hazel Plain – It was noted that the work done there was by the Public Works Department due to emergency road repairs caused by the recent flood.

ADJOURNMENT

MOTION:

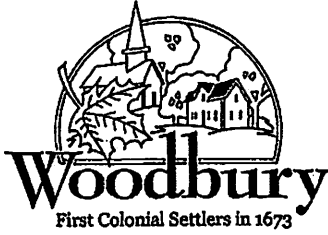
To adjourn the meeting at 8:47 p.m.
Made by NEWELL with no objections.

Respectfully Submitted,

Anne Firlings

Anne Firlings, Inland Wetlands & Watercourses Agency Clerk

RECEIVED & FILED
IN WOODBRURY, CT
26th Sept 2024
7:52 AM
Maura M. Mancini
Town Clerk



Town of Woodbury

Inland Wetlands and Watercourses Agency

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JURISDICTIONAL RULING NON-REGULATED ACTIVITY 858 MAIN STREET NORTH – 24-IW-0023 Change of Nonconforming Use – Husky Energy and Propane, LLC Ted Mannello (owner/applicant)

Date of Ruling **September 23, 2024**

Applicant	Ted Mannello – Husky Energy and Propane, LLC
Property Owner	Ted Mannello
Application	24-IW-0023
Address	858 Main Street North, Assessor Map 25, Lot 30
Site Acreage	2.3 acres
Zone	OS-60 Zoning District

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application **24-IW-0023** 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 Jurisdictional Ruling under §4 to determine if the change of nonconforming use as described below constitutes or includes a regulated activity under the IWWA Regulations; and

WHEREAS application materials received include the following:

- Application for Inland Wetlands Agency Determination
- Cover Letter, Pilicy & Ryan, P.C., 07/21/24
- ZBA Special Permit Approval 22-ZBA-2206
- Existing Conditions Site Plan (with Wetlands/Watercourses Delineation), Smith & Company, 07/31/24, revised 09/05/24; and

WHEREAS the change of nonconforming use involves a change from a furniture restoration and antiques shop to a new nonconforming HVAC business use “Husky Energy and Propane, LLC” consisting primarily of business related storage and administrative office use as more fully detailed in the related Zoning Board of Appeals Special Permit 22-ZBA-2206; and

WHEREAS a propane storage tank installed on the site within 100 feet of site wetlands/watercourses without benefit of an otherwise required Wetlands/Watercourses Permit as shown on the Existing Conditions Site Plan as listed above and as observed during a duly noticed August 25, 2024, Site Walk Special Meeting has since been removed and relocated outside of the Agency’s jurisdictional 100-foot upland review area on the subject property, thus eliminating the need for a Wetlands/Watercourses Permit for such feature; and

WHEREAS the Agency has reviewed the matter over the course of several regular meetings and held a Site Visit Special Meeting; and

WHEREAS the Agency has permitted, accepted and considered verbal and written commentary from an opposing neighbor and their attorney throughout the Agency's review of the matter;

NOW THEREFORE BE IT RESOLVED upon careful consideration of the information received including verbal and written comments, the Agency, in accordance with §4 of the IWWA Regulations, hereby finds that the change of nonconforming use as otherwise approved by the Zoning Board of Appeals pursuant to Special Permit 22-ZBA-2206 on December 19, 2022 does not involve any regulated activities under the jurisdiction of the Agency; and

BE IT FURTHER RESOLVED future changes or alterations to the site and facilities shall be subject to prior review and potential separate jurisdictional ruling and/or permit; and

BE IT FURTHER RESOLVED the Agency hereby authorizes, to the extent if required, 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

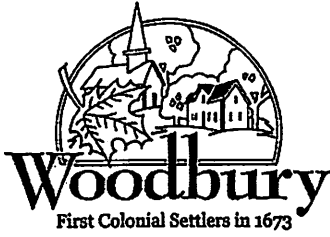
MOTION

Moved by **NEWELL**, Seconded by **RICHARDS**

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

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

Approved by Inland Wetlands &
Watercourses Agency
Approval Date: 9/23/24
Signature: [Signature]
Town Planner



Town of Woodbury

Inland Wetlands and Watercourses Agency

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WETLANDS / WATERCOURSES PERMIT APPROVAL

18 EDWARD AVENUE – 24-IW-0027

Residential Accessory Generator and Propane Storage Tanks

Ervin L. and Sharon A. Story (applicant/owner)

Date of Approval	September 23, 2024
Permit Expiration*	September 23, 2026

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

Applicant	Ervin L. and Sharon A. Story
Property Owner	Ervin L. and Sharon A. Story
Application	24-IW-0027
Project	Within regulated upland review area install residential accessory generator and two (2) 120-gallon above ground propane storage tanks.
Address	18 Edward Avenue, Assessor Map 77, Lot 27-29
Site Acreage	0.47 acres
Zone	OS-60 Zoning District

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application **24-IW-0027** 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
- Annotated site location maps to show location of generator and tanks
- GIS property image and photos of house location
- Generator and Pad details;

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 direct wetland/watercourse disturbances or impacts are involved.
- No significant adverse off-site impacts are anticipated.
- Site disturbance during construction will be short term.
- Site disturbance impacts can be further mitigated by the conditions listed below and the proper use and maintenance of drainage, 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-0027 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 approvals as may be required. 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, including but not limited to:
 - **Housatonic Valley Health District**
 - **Woodbury Administrative Zoning, Driveway and Building Permits**

B. Conditions During Construction

1. 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.
2. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, 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.
3. The following shall be followed in relation to the project:
 - No ground disturbance beyond that shown on the final approved plans is authorized.
 - Ground disturbance shall be contained to the minimum necessary to complete the authorized improvements.
 - Erosion and sedimentation controls may be required by the Land Use Office.
 - Disturbed soils shall be stabilized in a timely fashion, particularly to avoid/minimize erosion impacts.
 - Construction vehicles/equipment not in use shall not be stored, and at no time shall such be washed out, within a 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.
 - Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are 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 because of the activity.

C. Post Construction Compliance and Permit Closure

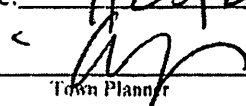
1. **Final Inspection Required** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion of the approved regulated activities, subject to the following:
 - Verification of installation consistent with approved final Site Plans. The Land Use Office may require submission of a certified A-2 Survey As-Built Plan if warranted in a form, content and number as may be required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final Site 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.
 - Any installed erosion controls have been appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.
2. **Drainage Improvements** – Site and building stormwater management and treatment controls shall be maintained to function as designed and to prevent erosion and sedimentation dispersal as a condition of continued compliance.
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 on Page 1 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 **TUROCZI**

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

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

Approved by Inland Wetlands & Watercourses Agency	
Approval Date:	<u>9/23/24</u>
Signature:	<u></u> Town Planner