

Town of Woodbury

Inland Wetlands and Watercourses Agency

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

REGULAR MEETING MINUTES – SEPTEMBER 26, 2023

7:30 PM – SENIOR/COMMUNITY CENTER, 265 Main St. South, Woodbury, CT 06798

MEMBERS PRESENT

Earl Gillette, Alternate
Marty Newell, Vice Chairman
Don Richards
Kyle Turoczi, Secretary
Mary Tyrrell, Chairman

MEMBERS ABSENT

Ernest Werner
Michael McAloon, Alternate

NOTED OTHERS PRESENT – Cheryl Obar, Ron Wolff, Thomas Burns, Zachary Lessard, Frances Palomba, Jim Breidenback and other interested parties.

OPENING OF MEETING

Call to Order – The meeting commenced at 7:33 p.m.

Seating of Members / Alternates – Seated for the meeting were Members Newell, Richards, Turoczi, Tyrrell, and Alternate Gillette.

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

PUBLIC HEARINGS - None

NEW APPLICATIONS

23-IW-0026 – 64 Peter Road / Map 56, Lot 34-2 / OS-100 District / Cheryl Obar (applicant/owner) / Installation of two (2) accessory residential storage sheds measuring 80 sf each (8 ft x 10 ft) with stone pads extending two (2) feet beyond the roof of each shed.

Cheryl Obar was present for the discussion. Chairman Tyrrell indicated to the Agency that the sheds have already been installed. Ms. Obar is looking to install a pole barn (not located in the regulated area), and in review of that application it was noted that permits had not been issued for the sheds. Stone had been placed under the sheds first. Location of the wetlands were shown on a plan. The Agency did not have any impact concerns with this after the fact permit and requested a draft motion for the next meeting.

23-IW-0025 – 300 Minortown Road / Map 10, Lot 9 / OS-60 District / Raymond Hardisty and Janet Lawson (applicant/owner) / Regrading and deposition of gravel for partial driveway access reconstruction, as well as removal of fallen trees from upper sections of existing unimproved accessway.

Ron Wolff, representing the owners, was present for the discussion. Mr. Wolff explained that this is an after the fact application for a driveway apron in a regulated area of the Nonnewaug River. Removal of some trees is included to be able to access a historical access to the top of the property. Regulated areas were noted. The property is 32 acres, and this application is for a small portion of that. Mr. Wolff reviewed the culverts and

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

observed no activity. No erosion was noted and haybales are in place. Mr. Wolff showed the Agency an aerial photo of the property from 1986 to show that a driveway had been put in at some point long ago. This land is not part of any subdivision. Mr. Wolff noted that he has come in after work was completed and is looking to resolve the issue. Chairman Tyrrell noted this came about from an enforcement issue and reminded of a site walk that had previously been conducted by the Agency. Wetlands are noted in the area of the work only, no activity is proposed in other areas at this time so no flagging was done. Members discussed a stream they observed at the toe of the slope behind the houses and water coming down the hillside. Plans were reviewed. The enforcement issue was briefly discussed, the area is stable. The Agency agreed that they did not have concerns with it, but just requested an application. Mr. Wolff will go back to the site and review the area the Agency was concerned about and submit photos for the next meeting so the Agency can see the areas since their site visit. It was discussed that the Agency accepted haybales as a measure to stop some erosion, feeling it would be difficult to put silt fence there and they were glad to have something in place. The Agency asked for the number of trees being removed and the approximate location of the removal be added to the plan. Mr. Wolff noted they are not big trees; he will try to define the area on the plans. The flood line setback was questioned, this property is not located in the flood zone. The Agency wanted to be sure there was not any more progression without an application anticipating that someone will want to access the back part of the site. The Agency requested a draft motion for the next meeting. This is the only work that has been approved under this application, anything additional would require a full application with full wetlands delineation. The draft motion should state that the limitations of this approval are only as delineated at the beginning of the entrance to the driveway that any other work on the driveway would require a full wetlands permit including delineation of the wetlands and setbacks.

PENDING APPLICATIONS / DELIBERATIONS (as deemed ready)

23-IW-0022 – 785 Washington Road / Map 70, Lot 27 / OS-100 District / Eric Anderson (applicant), Tapawingo Tubing LLC (owner) / Remove and replace rotting wood planks on bridge and handrails.

It was reminded that this was an after the fact application. No additional asphalt was added. Bridge seems to have been stable after recent storm activity. A draft motion was reviewed by the Agency.

MOTION:

To approve 23-IW-0022 – 785 Washington Road / Map 70, Lot 27 / OS-100 District / Eric Anderson (applicant), Tapawingo Tubing LLC (owner) / Remove and replace rotting wood planks on bridge and handrails.

To approve

Made by **NEWELL**, Seconded by **TUROCZI**

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

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

23-IW-0024 – 62 Leavenworth Road / Map 70, Lot 7A / OS-100 District / Thomas A. and Rachel H. Burns (applicant/owner) / Installation of 14' x 24' storage shed with an 8' by 24' attached lean-to with crushed stone base.

Thomas Burns was present for the meeting. A draft motion was reviewed by the Agency. There were no concerns expressed by the members.

MOTION:

To approve 23-IW-0024 – 62 Leavenworth Road / Map 70, Lot 7A / OS-100 District / Thomas A. and Rachel H. Burns (applicant/owner) / Installation of 14' x 24' storage shed with an 8' by 24' attached lean-to with crushed stone base.

Made by **NEWELL**, Seconded by **RICHARDS**

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

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

23-IW-0023 – 83 Park Road / Map 103, Lot 36A / OS-60 District / Zachary Lessard (applicant/owner) / Installation of an inground swimming pool measuring 792 sf (18 ft x 44 ft) with surrounding concrete pool patio extending between 4 ft and 15 ft out from the pool sides enclosed by fencing; and relocation of existing accessory residential storage shed measuring 192 sf (12 ft x 16 ft).

Zachary Lessard was present for the meeting. It was noted that a site walk was done by the Agency. They understand that blasting will be required but felt that it would not have an impact on the wetlands as it was upgradient from most of the wetlands. It’s a hillside that’s been blasted a lot.

MOTION:

To approve 23-IW-0023 – 83 Park Road / Map 103, Lot 36A / OS-60 District / Zachary Lessard (applicant/owner) / Installation of an inground swimming pool measuring 792 sf (18 ft x 44 ft) with surrounding concrete pool patio extending between 4 ft and 15 ft out from the pool sides enclosed by fencing; and relocation of existing accessory residential storage shed measuring 192 sf (12 ft x 16 ft).

Made by **NEWELL**, Seconded by **GILLETTE**

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

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

ENFORCEMENT & WETLANDS UPDATE

23-ENF-IW05 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett / Driveway installation via an abutting lot with millings, land grading and filling within a regulated area absent required permit.
(see enforcement item below)

23-ENF-IW06 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba / Driveway installation with millings, land grading and filling within a regulated area absent required permit.

Frances Palomba was present for the discussion of this item, as well as 23-ENF-IW05/57 Lake Road. Ms. Palomba has owned 13 Edward Avenue for 30 years and explained that there has always been a driveway in the location in question. Chairman Tyrrell expressed that the issue is that there was a lack of permit for the driveway and the addition of millings. The property was shown to the Agency, it has been a horse field since 1995. The existing pond was manmade, spring fed and had a previous approval to expand it. The entry was shown. There has always been a driveway into the field. The use of the driveway was used in the past for hay trucks, moving the manure containers, horse trailers, etc. Ms. Palomba said over the years the driveway consisted of sand, gravel, and sometimes just overgrown grass. She was under the impression that a permit was not required because the driveway was always there, they just were dressing it with millings. She felt millings were permeable and that water would run through it, gravel and other materials get washed out, the millings would be stable. It was explained by the Agency that this is considered fill in a regulated area and there were no permits. Millings are not considered an appropriate fill by the Agency. The Agency questioned the volume of material that were placed and questioned if anything was removed or was it straight fill. The Agency informed Ms. Palomba that an application would be required to resolve the enforcement issue(s), along with drawings and more detail including the amount of fill, where it came from, toxicity, etc. Ms. Palomba thought no permits were required as they have always graded the area and the pond, this has been going on for years. Member Turoczi noted that millings will heat and compact with time, getting hard and may not always be permeable. The depth of the millings was thought to be about 3 inches deep with woodchips on the side to stabilize. Wetlands have not been delineated for these properties. GIS soils were noted for the record. Old maps were referred to evaluate the wetlands area. The amount of millings, woodchips, equipment used should be included with the application. Once an application is

filed, the Agency would like to schedule a site walk of the property. Ms. Palomba was unsure if she was going to move forward with an application or speak to her attorney. Applications were provided to Ms. Palomba at the meeting.

23-ENF-0002 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco / Unauthorized site activities (including excavation, deposition and alteration of ground coverage and contours, as well as drainage conditions) involving installation of second access driveway within a regulated area absent required permit. No one was present for the discussion. An email from Michelle and Dan Fusco was received and noted for the record. Chairman Tyrrell noted that she had driven by the site on Saturday and detailed what she had seen. Photos taken 9/26/23 provided by the ZEO were reviewed by the Agency. It was noted that more millings seemed to be placed in front of the house connecting to the “approved” driveway. The Agency discussed that it was claimed that three engineers stated it was best to leave the millings in place, however, no letters or testimony to that have been received. Plans were reviewed of the property and the wetlands setback. A wetlands ecologist or soil scientist should be able to verify impact. The second driveway is not permitted by their subdivision approval. The Agency felt they had provided more than enough time for the property owners to address the issues and they have done more to the property, a rebuttal has been submitted however there has been no back up of their claims.

MOTION:

To send enforcement issue 23-ENF-0002 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco / Unauthorized site activities (including excavation, deposition and alteration of ground coverage and contours, as well as drainage conditions) involving installation of second access driveway within a regulated area absent required permit to the Town Attorney as previously stated.

Made by NEWELL, Seconded by RICHARDS

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

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

Chohees Trail / Map 44, Lot 18 / OS-100 District / TRP Farms, LLC / Tree Cutting, Deposition of Materials and Excavation within a regulated area.

No new information was received or discussed.

43 Hollow Road / Map 36, Lot 68A & Map 103, Lot 13 / R-40 & OS-80 Districts / Town of Woodbury Tree and scrub vegetation cutting within a regulated area (Hollow Park / Pomperaug River).

An email from Jami Gore was read for the record with regards to the status of their plans.

18-IW-1621 – 614 Main Street South / Map 102, Lot 25 / MQ District / Napoli Woodbury LLC IWWA Review of Constructed Site Conditions / Bond Status – Dollar General.

The ZEO spoke with Mr. Eucalitto, All Habitat was recently out to the site and a new report will follow shortly. It is anticipated that a representative will be present at a future meeting to discuss the report.

22-ENF-0015 – Minortown Road / Map 10, Lot 9 / OS-60 District / Raymond Hardisty and Janet Lawson Unauthorized site activity (including excavation, deposition and alteration of ground coverage and contours, as well as drainage conditions) within a regulated area.

It was noted that an application has been received for this item (see 23-IW-0025 / 300 Minortown Road)

23-ENF-IW03 – Map 62, Lot 66 / OS-80 District / Village Woods Open Space Association, Inc.

Unauthorized site activity (cutting and dumping of tree branches and debris, deposition constituting fill, blocking of stream flow and alteration of natural cover) within a protected regulated area.

The Agency had received photos from the ZEO’s inspection, a few of those were reviewed by the Agency. An email from Mr. Disarro was noted for the record. Member Turoczi recognized that what appeared to be a piece of burned wood was actually a type of fungus. The Agency felt like they were working on a resolution.

203 Sprain Brook Road / Map 56, Lot 6 / OS-100 / Ryan Birkenhead

Site Plan comparison review of built features from last Wetland Permit 12-IW-1215 to present.

A letter was sent to the property owner and a response is anticipated.

Chairman Tyrrell rearranged the meeting to accommodate a member of the public to speak.

PRIVILEGE OF THE FLOOR

- Jim Breidenback, 502 Weekepeemee Road – Mr. Breidenback expressed concerns and requested assistance from the Agency with respect to water issues occurring on his property. He described brown water coming across the road, down his driveway and under a stonewall. He feels that something has been done and needs to be addressed. The Agency reviewed the GIS mapping and discussed potential areas that might be reviewed. The Agency discussed that brown water indicates erosion somewhere along the way. Mr. Breidenback will try to get permission for the Agency to walk a property with regards to this issue.
- Member Turoczi noted that adding to a driveway could be considered maintenance. The Agency should consider how they will look at this type of activity in the future. Should they be reviewing for quantity of material vs the size of the driveway. “Dressing” a driveway could be viewed differently than expanding the size of the driveway. Section 6 of the regulations was read.
- The LUEO noted that during a soil and erosion inspection at 344 Weekepeemee Road it was observed that there was stump removal. The owner noted that stumps needed to be pulled to access the well area. The application did not include this activity, however there was silt fencing in place and the stumps were already removed and taken off site. It was asked how the Agency wanted this change handled. Chairman Tyrrell stated she would observe the site in the morning and let the LUEO know her thoughts.
- Member Richards brought up activity on 420 Transylvania Road. The LUEO is aware of the new accessway and has been out and spoken with the property owner.

ADMINISTRATIVE

MOTION:

To approve Special Meeting Minutes 09/10/23 (site walk), Regular Meeting Minutes – 09/11/23, and Special Meeting Minutes – 09/17/23 (site walk) as submitted.

Made by **NEWELL**, Seconded by **TUROCZI**

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

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

Regulation Review - None

CORRESPONDENCE – None

ADJOURNMENT

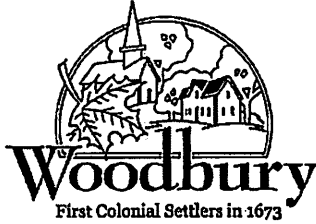
MOTION:

To adjourn the meeting at 9:35 p.m.
Made by NEWELL with no objections.

RECEIVED & FILED
IN WOODBURY, CT

This 28th day of Sept 2023
at 2:50 o'clock P M

Maria M. Mancini
Town Clerk



**Town of Woodbury
Inland Wetlands and Watercourses Agency**

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

**WETLANDS / WATERCOURSES PERMIT APPROVAL
785 WASHINGTON ROAD – 23-IW-0022
Bridge Deck and Rail Replacement (retroactive)
Eric Anderson (Applicant) / Tapawingo Tubing LLC (owner)**

Date of Approval	September 26, 2023
Permit Expiration*	SAME AS ZONING

*Consistent with CGS §22a-42a(d)(2)(A), permit expiration shall be equal to that of the corresponding Zoning Commission approval and if regulated activities and conditions of approval are not completed accordingly in such timeframe.

Applicant	Eric Anderson
Owner	Tapawingo Tubing LLC
Application	23-IW-0022
Project	Remove and replace rotted wood bridge deck planks and side rails.
Address	785 Washington Road, Assessor Map 70, Lot 27
Site Acreage	3.03 acres
Zone	OS-100

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application **23-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 project also requires Special Permit/Site Plan approval from the Woodbury Zoning Commission; and


WHEREAS the work has already been completed, thus the permit seeks retroactive approval; and

WHEREAS application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Topographic Compilation Plan, Smith & Company, 03/30/21, revised 08/24/21;
- Bridge Replacement Details, Edward J. Fenn, PE, 04/04/23;
- Letter from Fenn Design-Build Services, 06/29/23;
- Photo of underside of deck with tarp; and

Approved by Inland Wetlands & Watercourses Agency

Approval Date: 9/26/23

Signature: 
Town Planner

WHEREAS the applicant's professional engineer, Edward J. Fenn, provided a letter confirming that no abutment work was performed, and neither the river nor its associated floodplain were disturbed or modified. The scope of the project was limited to the deck and rail replacement only and all work was performed from the street level; and

WHEREAS the following mitigation measures are proposed:

- Installation to occur within previously disturbed area of the site;
- No direct impacts to river – tarp protection – no structural changes;

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

- No significant adverse off-site impacts are anticipated;
- Site construction disturbance will be temporary and short term;
- 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 IWWA Regulations following deliberations hereby approves application 23-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 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 Effectuation of Permit

1. **Permit Effective Date** - This approval shall not take effect for purposes of implementation until the corresponding required Zoning Commission Special Permit/Site Plan approval is also granted and deemed in effect consistent with CGS §22a-42a(d)(2)(A).
2. **Final Plans** – The plans presented shall be endorsed as "approved" by the Agency / Town Planner. The endorsement of the final plans shall be coordinated with and held until post Zoning Commission approval, noting that any resulting substantive changes affecting wetland/watercourse regulated areas as determined by the Town Planner shall be subject to modified Agency review and approval.
3. **Other Required Approvals** – The applicant shall secure all other 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, including but not limited to:
 - **Woodbury Zoning Commission**
 - **Woodbury Administrative Zoning Permit**

Failure to obtain required administrative permits shall render this approval null and void.

B. Post Construction Compliance and Permit Closure

1. **Final Inspection Required** – The applicant shall request the Land Use Office to conduct a final inspection for determination of permit completion, subject to the following:
 - Verification all improvements have been completed consistent with the approved final plans.
 - Verification the site has been cleaned of construction related equipment, materials, and debris.
 - Verification drainage conditions are adequately controlled to prevent erosion. The proper and timely control and treatment of stormwater runoff shall be a condition of continued compliance.
 - Verification disturbed areas are stabilized and exhibit healthy vegetative growth and cover.
 - Erosion controls shall be appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.

2. **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.

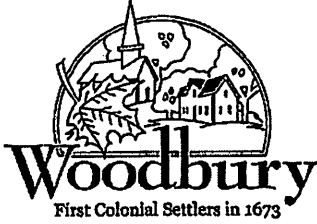
3. **Expiration** – This permit approval shall expire and be null and void without further written notice per the date set forth above unless all regulated activities, including site stabilization and landscaping, are completed consistent with the approved final plans. The Agency may grant one (1) or 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 **TUROCZI**

Vote: 5-0-0 – **APPROVED** – Motion **PASSED**

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



**Town of Woodbury
Inland Wetlands and Watercourses Agency**

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WETLANDS / WATERCOURSES PERMIT APPROVAL

62 LEAVENWORTH ROAD – 23-IW-0024

Accessory Residential Storage Shed

Thomas A. and Rachel H. Burns (owner/applicant)

Date of Approval **September 26, 2023**

Permit Expiration* **September 26, 2025**

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

Applicant	Thomas A. and Rachel H. Burns
Owner	Thomas A. and Rachel H. Burns
Application	23-IW-0024
Project	Installation of an accessory residential storage shed measuring 14' x 24' with an 8' by 24' attached lean-to with crushed stone base.
Address	62 Leavenworth Road, Assessor Map 70, Lot 7A
Site Acreage	1.01 acres
Zone	OS-100

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application 23-IW-0024 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;
- Sketch Plan (annotated over Septic Plan); and

WHEREAS the following mitigation measures are proposed:

- Installation to occur within previously disturbed area of the site;
- No direct impacts to wetlands/watercourses are proposed or needed;
- Erosion and sedimentation controls during construction;

**Approved by Inland Wetlands &
Watercourses Agency**

Approval Date: 9/26/23

Signature: [Signature]
Town Planner

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

- No significant adverse off-site impacts are anticipated;
- Site construction disturbance will be temporary and 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 IWWA Regulations following deliberations hereby approves application 23-IW-0024 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 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. **Final Plans** – The plans presented shall be endorsed as “approved” by the Agency / Town Planner.
2. 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.
3. **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, including but not limited to:
 - **Housatonic Valley Health District**
 - **Woodbury Administrative Zoning and Building Permits**

Failure to obtain required administrative permits shall render this approval null and void.

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 following shall be followed in relation to the installation:
 - Ground disturbance shall be contained to the minimum necessary.
 - No tree or shrub vegetation removal is involved or authorized with this approval.
 - As may be required by the Land Use Office, erosion and sedimentation controls shall be installed and maintained.
3. 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.
4. 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.
5. Construction stockpiles and staging shall be outside the regulated 100-foot upland review area. 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.
6. 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 as a result of the activity.
7. There shall be no burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like.
8. Disturbed areas shall be stabilized in a timely fashion, particularly to avoid/minimize erosion impacts.

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 Required** – The applicant shall request the Land Use Office to conduct a final inspection for determination of permit completion, subject to the following:
 - Verification all improvements have been completed consistent with the approved final plans.
 - Verification the site has been cleaned of construction related equipment, materials, and debris.
 - Verification drainage conditions are adequately controlled to prevent erosion. The proper and timely control and treatment of stormwater runoff shall be a condition of continued compliance.
 - Verification disturbed areas are stabilized and exhibit healthy vegetative growth and cover.
 - Erosion controls shall be appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.

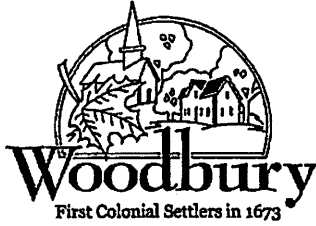
3. **Bond Release** – Upon written request by the applicant following completion of all approved work consistent with the approved final plans and verification the site is stabilized to the satisfaction of the Land Use Office, the Land Use Office may release the bond (subject to submission of an adequate As-Built Plan detailing and certifying the completed improvements). The Land Use Office may refer any request for bond release to the Agency for determination.
4. **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.
5. **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 RICHARDS

Vote: 5-0-0 – **APPROVED** – Motion **PASSED**

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



Town of Woodbury Inland Wetlands and Watercourses Agency

281 Main Street South
Woodbury, CT 06798
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WETLANDS / WATERCOURSES PERMIT APPROVAL

83 PARK ROAD – 23-IW-0023

Inground Swimming Pool

Zachary Lessard (owner/applicant)

Date of Approval	September 26, 2023
Permit Expiration*	September 26, 2025

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

Applicant	Zachary Lessard
Owner	Zachary Lessard
Application	23-IW-0023
Project	Installation of an inground swimming pool measuring 792 sf (18 ft x 44 ft) with surrounding concrete pool patio extending between 4 ft and 15 ft out from the pool sides enclosed by fencing, including pool equipment on concrete pad; and relocation of an existing accessory residential storage shed measuring 192 sf (12 ft x 16 ft) to north side of pool equipment.
Address	83 Park Road, Assessor Map 103, Lot 36A
Site Acreage	9.941 acres
Zone	OS-60

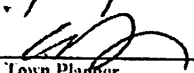
WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application **23-IW-0023** as submitted by the applicant/owner listed above in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury ("IWWA Regulations") seeking a Wetlands/Watercourses Permit ("Permit") to implement the "project" as described above; and

WHEREAS application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Sketch Plan (annotated over Zoning Location Survey, 01/2016); and

WHEREAS the following mitigation measures are proposed:

- Installation to occur within previously disturbed area of the site;
- No direct impacts to wetlands/watercourses are proposed or needed;
- Erosion and sedimentation controls during construction;

Approved by Inland Wetlands & Watercourses Agency	
Approval Date:	<u>9/26/23</u>
Signature:	<u></u> Town Planner

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

- No significant adverse off-site impacts are anticipated;
- Site construction disturbance will be temporary and 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 IWWA Regulations following deliberations hereby approves application **23-IW-0023** 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 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. **Final Plans** – The plans presented shall be endorsed as “approved” by the Agency / Town Planner.
2. 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.
3. **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, including but not limited to:
 - **Housatonic Valley Health District**
 - **Woodbury Administrative Zoning and Building Permits**

Failure to obtain required administrative permits shall render this approval null and void.

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 following shall be followed in relation to the installation:
 - Ground disturbance shall be contained to the minimum necessary.
 - No tree or shrub vegetation removal is involved or authorized with this approval.
 - As may be required by the Land Use Office, erosion and sedimentation controls shall be installed and maintained.
3. 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.
4. 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.
5. Construction stockpiles and staging shall be outside the regulated 100-foot upland review area. 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.
6. 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 as a result of the activity.
7. There shall be no burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like.
8. Disturbed areas shall be stabilized in a timely fashion, particularly to avoid/minimize erosion impacts.

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 Required** – The applicant shall request the Land Use Office to conduct a final inspection for determination of permit completion, subject to the following:
 - Verification all improvements have been completed consistent with the approved final plans.
 - Verification the site has been cleaned of construction related equipment, materials, and debris.
 - Verification drainage conditions are adequately controlled to prevent erosion. The proper and timely control and treatment of stormwater runoff shall be a condition of continued compliance.
 - Verification disturbed areas are stabilized and exhibit healthy vegetative growth and cover.
 - 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). The Land Use Office may refer any request for bond release to the Agency for determination.
4. **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.
5. **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, Turoczi, Newell, Richards, Gillette
Nay	None
Abstain	None