



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 27, 2021 – 7:30 p.m.
Senior/Community Center, 265 Main St. South

MEMBERS PRESENT:

Wes Clow
Marty Newell
Kyle Turoczi
Mary Tyrrell
Ernest Werner

ALTERNATES PRESENT:

Earl Gillette
Evan Hard
Don Richards

ALSO PRESENT: Will Agresta, Vince LaFontan, Dennis Rose, Linda Brinley, Jenifer Miller, Mike Lodice (by phone), Michelle Ecsedy, and a member of the press.

REGULAR MEETING

The meeting convened at 7:35 p.m. Seated for the meeting were regular members Clow, Newell, Turoczi, Tyrrell and Werner. Members were reminded of the Conflict-of-Interest Statutes and the Town Charter.

New Town Planner, Will Agresta was introduced and welcomed to the meeting.

PENDING APPLICATIONS

21-IW-2126 / Town of Woodbury (owner/applicant), SLR International Corporation (agent) / Preservation of Bridges 05062, 05066 & 05067 Consisting of Minor Roadway Reconstruction, Structural Maintenance & Preservation Work to Address Deficiencies Identified by the Bridge Inspection Report / Three Bridges (1) Jack's Bridge over Weekepeemee River, 64 Westwood Rd (Map 038/Lot 054), (2) Minortown Road Extension over Nonnewaug River, 21 Minortown Road Extension (Map 025/Lot 029), (3) Pomperaug Road over Pomperaug River, 47 & 29 Pomperaug Road (Map 034/Lots 005 & 005A)

This item was tabled as there were no representatives present.

21-IW-2127 / Town of Woodbury (owner/applicant), SLR International Corporation (agent) / Preservation of Bridge 05061 Consisting of Minor Roadway Reconstruction, Structural Maintenance and Preservation Work to Address Deficiencies Identified by the Bridge Inspection Report / Judson Avenue, Riverview Lane, and 64 Westwood Road (Maps 036, 038 / Lots 48A, 055G, 054)

This item was tabled as there were no representatives present.

NEW APPLICATIONS

21-IW-2128 / Foger / 39 Quanopaug Trail / Remediate Loss of Vegetation During Clearing of Decayed Dead & Fallen Trees / Map 025 / Lots 014-1 & 014A-2

This item was tabled as the applicant was not present.

21-IW-2129 / Town of Woodbury / Lighthouse Road / Reconstruction of Roadway Including Drainage Improvements

This item was tabled as there was no representative present.

21-IW-2130 / LaFontan (Flanders Nature Center) / 5 Church Hill Road / Addition of a Concrete Monolithic Pad 12' x 30' and Covered Post & Beam Shed Roof to the Backside of the Flanders Trail House / Map 096 / Lots 021 & 22

Vince LaFontan, Executive Director of Flanders Nature Center and Land Trust was present for the application. Maps were reviewed with the Agency describing the location of the proposed monolithic concrete pad and shed roof. It will be a post & beam shed roof construction off the backside of the existing "Trail House" building. The space will be used as an outdoor teaching space. There is a stream coming off the marsh. Currently there is mostly gravel in the proposed location. There won't be any excavation, just a bit of topsoil removal to put the concrete. There won't be very much soil removed from the area, so it will remain on site. Questions were asked about drainage; it will go to stone infiltration trenches.

A draft motion was requested for the next meeting.

21-IW-2131 / Rose / 121 Rail Tree Hill Road / Remove Existing Pole Barn & Replace with 34' x 54' Pole Barn / Map 050 / Lot 039

Dennis Rose was present for the application. Maps and photos of the existing barn were reviewed by the Agency. Mr. Rose explained to the Agency that there is an existing 16' x 24' structure which they are looking to replace with a new 34' x 54' structure. A processed base with Sonotubes will be used. The topography of the area was discussed, the area of the barn is fairly level. The wetlands are down gradient from the barn location. The area is not wet, there is a trench with crushed stone. There was question about the distance from the barn to the wetlands as it was marked differently on different submittals. Will Agresta noted that the wetlands are not delineated, the GIS maps were used. Members reviewed the photos and maps with Mr. Rose to get a better understanding of where the building was in relation to the wetlands. The Agency scheduled a site walk for Sunday, October 10, 2021, at 9:00 a.m. and requested that Mr. Rose place stakes in the four corners where the new barn will be. A draft motion was requested for the next meeting. Alternate Hard questioned the need for a site walk as there is already a pool and did not feel this was encroaching further. Chairman Tyrrell noted that the Agency cannot approve the application now so did not see that holding a site walk would be an issue as it would not hold up the applicant. It was confirmed that there will be stone around the edges of the new construction where the drip edge is.

21-IW-2132 / Brinley / 75 Minortown Road / Request for Jurisdictional Ruling to Repair & Restore Drivable Path, Original Landscape and Clean Up Rocks in Lawn After Storm Damage / Map 023 / Lot 022-2

Linda Brinley was present for the application. It was explained that the last storm event caused damage to her property including access driveway issues. Photos of the access drive and surrounding area were shown to the Agency. Ms. Brinley also shared photos on her phone with the Agency. Water came off and removed stone from her regular driveway onto her access driveway. Will Agresta

summarized the situation for the Agency. A portion of the gravel can be scraped back into the driveway. At the end of the formal driveway, there is a gravel path that leads to the back of the property where the leaching fields are. Due to oversaturation, there was damage, of which there is more damage in the mid-section that teeters out as it gets to the back of the property. There is a bit of contributing drainage coming from the neighboring property, which the drainage always did and just added more to the issue. The area shown is not a stream, the stream is further into the woods and will not be impacted. It has been represented that there is a ditch being filled in on a neighboring property which appears to be a breach and is also the area of the most egregious damage. Mr. Agresta believed that this occurred because it is not a formal driveway, there is no subbase and since there was too much water it got oversaturated during the storm and the area was just undermined and gave way. The Agency requested more information including how much material will be brought in, what it is and where it will be going. Ms. Brinley was told by her contractor that 20 yards of material maximum would need to be brought in. Rip rap would be used with something to fill between. A site walk of the property was scheduled for Sunday, October 10, 2021 (at 9:30 a.m.) with permission to access the property for that day given by Ms. Brinley. The Agency needs to know what material will be used, how much will be brought in and where it will be going.

21-IW-2132 / Town of Woodbury / Hollow Park / Request for Jurisdictional Ruling to Remove Beach Sand and Replace with Soil and Planted Grass / Map 103 / Lot 013

Jenifer Miller was present for the application and Mike Lodice was present by phone. Ms. Miller explained that they are looking to replace the beach sand at Hollow Pond with topsoil to plant grass. They are requesting a jurisdictional ruling per section 4.2. They are not disturbing the natural character of the wetlands, obstructing waterflow or polluting the wetland. Invasive species are being removed from the pond. The pond will not need to be fenced in. Chairman Tyrrell noted she visited the site with Ms. Miller. She asked how much material would be removed and how much was going to be deposited the answer was it would be "cup for cup," but the application reads 1,833 cubic yards. The sand will be removed by truckload from the site. Sand will be removed first and then soil will be brought in. Sand leads right to the edge of the pond. The elevation of the pond will stay with the elevation of the aquifer and the river. How close to the pond entry should be more clearly stated on the application and drawings. The depth of the sand being removed was confirmed to be about a foot and a half. About a foot of fill and 6" of topsoil will be used to replace the removed sand. They will be using native clean soil from several different locations. It won't be "screened" topsoil, it will have rocks in it. It won't be processed soil. Member Turoczi questioned if there would be buffer plantings around the pond or if it would be grass to the edge. Water quality would benefit from a buffer. It was stated that there will not be fertilizer used in the area. Appropriate grasses will be chosen. Member Turoczi reminded that geese may be an issue without some sort of a buffer. Members discussed the benefits of a natural vegetative plant buffer all around the pond. Chairman Tyrrell noted some points in the application including the type of grass to be planted. She also read the jurisdictional information submitted by the applicant. The Agency needs to determine if they consider this application or a portion of it to be a permitted or non-regulated use. Member Turoczi felt it does fall under a jurisdictional ruling, but he does not personally approve of the activity. Member Clow was not satisfied with the application itself. Member Werner questioned removal of sand and replacing with soil and proximity to the aquifer and if that is grounds to deny the request for jurisdictional ruling. Chairman Tyrrell questioned the material being brought in, unsure of what the sand will be replaced with. It was noted that specs can be submitted that would ensure the Agency that what is being deposited is what is appropriate. If a buffer is to be done, details of that should be submitted. The Agency felt that the application as currently written represents that what will be installed is turf. More information and detail need to be submitted so that the applicant proves to the agency why they don't

need an application and what is being done fits within the guidelines. The Agency needs more information to make that determination.

PENDING APPLICATIONS

21-IW-2126 / Town of Woodbury (owner/applicant), SLR International Corporation (agent) / Preservation of Bridges 05062, 05066 & 05067 Consisting of Minor Roadway Reconstruction, Structural Maintenance & Preservation Work to Address Deficiencies Identified by the Bridge Inspection Report / Three Bridges (1) Jack's Bridge over Weekepeemee River, 64 Westwood Rd (Map 038/Lot 054), (2) Minortown Road Extension over Nonnewaug River, 21 Minortown Road Extension (Map 025/Lot 029), (3) Pomperaug Road over Pomperaug River, 47 & 29 Pomperaug Road (Map 034/Lots 005 & 005A)

21-IW-2127 / Town of Woodbury (owner/applicant), SLR International Corporation (agent) / Preservation of Bridge 05061 Consisting of Minor Roadway Reconstruction, Structural Maintenance and Preservation Work to Address Deficiencies Identified by the Bridge Inspection Report / Judson Avenue, Riverview Lane, and 64 Westwood Road (Maps 036, 038 / Lots 48A, 055G, 054)

Chairman Tyrrell requested that they return to these items on the agenda.

There were no representatives present, however, it was asked if anyone had questions about the projects. These should be brought up now so that they could be passed on to the Highway Department.

Member Turoczi assessed the site (*Judson*) in person and relayed his concerns to the Agency. There is an area where he had questions for the engineer about the soils in the area below where the discharge is going to be. He stated the soils are very sandy. The concern being if the rip rap doesn't go down below the high-water mark erosion is going to start happening and, once constructed, it will be extremely difficult to get back in to redo it. He did some measuring and calculated that in a 1" storm there would be 2,180 gallons going to each side. That is a lot of water being discharged into that area. He wants to be sure the engineers go down and look at that. The plan did not show where the rip rap ended. There is potential that those soils are going to be highly erosive. The area in questioned was reviewed on the plans with the Town Planner. It was questioned if the size of the plunge pool was enough for the velocity of the amount of water. It was also questioned if the engineer has gone back to review the site since after the last storm and have those conditions of the site now changed, will it affect their plans.

NEW APPLICATIONS

21-IW-2128 / Foger / 39 Quanopaug Trail / Remediate Loss of Vegetation During Clearing of Decayed Dead & Fallen Trees / Map 025 / Lots 014-1 & 014A-2

An application and new information were sent to the Agency and should be reviewed before the next meeting. Member Turoczi noted that the plantings were inaccurate. Some items are listed on a prohibited list, and some are on an invasive list. The genus and species should be listed. It appears there are two potential invasives being proposed. The Agency would like the applicant to review information on his plantings and be sure that they are accurate and complete and that they do not include invasives or limited species coming into the town.

21-IW-2129 / Town of Woodbury / Lighthouse Road / Reconstruction of Roadway Including Drainage Improvements

Chairman Tyrrell noted that she spoke with Rich Lamothe of Public Works, and he was not bringing the engineer in to look at Lighthouse Road. The Agency should review the information before the next meeting. More details should be received when Rich Lamothe comes to a meeting.

ENFORCEMENT & WETLANDS UPDATE

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

Chairman Tyrrell reported to the Agency that she reached out to the First Selectman with regards to the status of the letter that was supposed to have been sent by the Town Attorney.

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

It was noted that there was a letter submitted by Racquel DiTullio, along with photos. Her letter also noted her issues with what was done by the Town's Public Works Department. (This information was not discussed further as Mr. North was unaware that there may be discussions happening).

Mr. North's email regarding completing the required ditch filling was read for the record. Members Clow and Turoczi each reviewed the site. The pipe was removed; however, the work appears to have been left in an incomplete status. Member Clow described the situation. Some mitigation or perhaps curbing could have helped the situation. Seeding or stabilizing could have also helped. Member Clow had photos that he will send to the Land Use office for the record.

Alternate Hard agreed that having town representation at the meetings would be beneficial so there is no loss in communication. There was brief discussion about the need for attendance of town departments at Agency meetings and how this communication is beneficial.

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

(This item was not discussed; it was noted that they now have an application submitted).

Man-Made Dam Located in River Below Bridge in the Vicinity of 53 and 62 Bethlehem Road

Members discussed that with the last storm this dam was probably taken out and is a non-issue at this time. It should be removed from the agenda.

OTHER BUSINESS

Chairman Tyrrell questioned if Member Newell had any knowledge of an application from Berecz at "the Farm." There is a new shed roof. There is movement of shed buildings for goats. The Agency needs information to determine what needs permitting and what doesn't. Will Agresta noted that there was an on-line application that he commented on that needs both Wetlands approvals as well as ZBA approvals. He will follow up with them again. It was noted that there is misunderstanding in the agricultural community about what needs permitting.

Chairman Tyrrell noted there was a new submittal regarding Nozzolillo (*170 Sprain Brook Road*) and requested they add discussion to the agenda.

MOTION:

To add to the agenda Nozzolillo and its SRC letter and CO.

Made by Member Newell, Seconded by Member Werner

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

Ayes Clow, Newell, Turoczi, Tyrrell, Werner

Nays None

Abstain None

A letter from Soil Resource Consultants dated September 24, 2021, was read for the record. This is a report submitted as a record of the Planting Completion for the property at 170 Sprain Brook Road. At a previous meeting it was discussed that the property was stable, and the only outstanding issue was to have a final report on the plantings to complete the record.

The Chairman asked for a motion to give the town planner permission to go ahead and sign off on their CO as far as the Wetlands Application that it is now completed and done. There was brief discussion about the type of posts used for Conservation Easements and the need for consistency and materials used need to last a long time.

MOTION:

To approve their sign offs so that they can have a CO, project complete.

Made by Member Turoczi, Seconded by Member Newell

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

Ayes Clow, Newell, Turoczi, Tyrrell, Werner

Nays None

Abstain None

CORRESPONDENCE – A commencement notice was noted from Richard Bushka regarding construction at 20 Judson Avenue.

PRIVILEGE OF THE FLOOR

Alternate Gillette questioned follow up and review of ongoing projects, specifically with questions about a 2019 approval on Rucuum Road and erosion concerns.

CONSIDERATION OF MINUTES – 8/23/21 Regular Meeting

Chairman Tyrrell noted an incorrect name associated with the discussion under Privilege of the Floor.

Page 3 – Under Privilege of the Floor – First Line should read: “Ms. Newell noted an application from *Mike Berecz* that was faxed to her...”

MOTION:

To approve the minutes (*of the 8/23/21 meeting*) as corrected.

Made by Member Newell, Seconded by Member Clow

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

Ayes Clow, Newell, Turoczi, Tyrrell, Werner

Nays None

Abstain None

ADJOURNMENT

MOTION:

To adjourn the meeting at 9:43 p.m.

Made by Member Newell

Filed subject to approval.

Respectfully Submitted,

Anne Firlings

Anne Firlings, Clerk

Inland Wetlands & Watercourses Agency

RECEIVED & FILED
IN WOODBURY, CT

This 29th day of Sept 2021
at 1:05 o'clock P M

[Signature]
Town Clerk