

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING MAY 7, 2008**

Mary Davis called this meeting to order at 6:05 PM with the following in attendance:

MEMBERS:

Mary Davis, Chair
Joseph Bakstis, Vice Chair
Sally MacKenzie, Secretary
Rosemary Bertotti
Jeff Hayden - absent
Lars Johnson, alternate

OTHER:

Keith Rosenfeld, WEO
Jim Stewart, Borough Engineer
Rachel Brainard

1. Mary Davis took attendance, and opened the meeting with the Pledge of Allegiance. She noted there was a quorum. She placed Lars Johnson as a regular voting member in place of Jeff Hayden.
2. No Executive Session with the Borough Attorney.
3. **OLD BUSINESS**
 - A. Discussion of Autohaus, Inc. located at 393 Rubber Avenue.
Mrs. Kozlowski, applicant, stated she had received a map this afternoon from her surveyor, Mr. Kensworthy. She presented the plans to the Commission. Keith Rosenfeld asked if this was the site plan. Mrs. Koslowski answered yes and stated that they will have a formal application to the Zoning Commission. Keith Rosenfeld said that they will refer to the Wetlands Commission. He said the applicant just wants to show them that this is going to be done and they are currently working on it. Mary Davis asked if it would possibly be brought to the Commission next month. Mrs. Kozlowski answered yes.
 - B. Commission discussion of fine ordinance.
Mary Davis stated the Board of Burgess will be meeting on May 13th and they will get a chance to speak. She noted it would be nice if members of the Commission attended the meeting.
 - C. Commission discussion/decision on Inland Wetland Application for Highwood Hills Estate Subdivision located on 45 High Street (IW #07-09), Naugatuck, CT. Applicant: MaryAnn Dmuchowski.
Keith Rosenfeld handed the Commission a letter he received from Attorney McVerry. Joseph Bakstis questioned whether they could receive additional information since the Public Hearing is closed. Mary Davis read the last two paragraphs into the record and stated he is requesting an extension. She noted they could not accept any further information. Keith Rosenfeld said the applicant appears to be requesting an extension of the vote. There was a discussion on

whether or not the Commission could receive additional information. Mary Davis stated they don't need any more information and they could make a decision tonight. She said she doesn't feel they have to continue this until next months meeting. Joe Bakstis said he thought the letter should be read out loud, and then the Commission should comment. Mary Davis stated since the Public Hearing closed she didn't feel it should be read. She felt they had everything they needed, and the applicant had given them everything they wanted before seeing Jim's report. Joe Bakstis said if they are asking for an extension so they could provide more information then he doesn't think they should be granted one.

Mary Davis called for a break at 6:48 P.M.

Mary Davis reconvened the meeting at 7:14 P.M.

Commissioner Davis stated she had called a town attorney and was advised that they can allow for the continuation or do what they want to. The engineer could speak to the applicant and go over the information in the report and the issues he has with the plans. They don't have to grant an extension. Joseph Bakstis asked if the applicant talks to the Borough engineer then isn't he in fact speaking to the Commission. He also asked if they would be given information they hadn't already received. He said that he didn't like this. Mary Davis said the Commission can make a decision if they would like, or they could grant the applicant the extension. Commissioner Bakstis said he didn't see giving an extension for this reason. Joseph Bakstis said he didn't think the applicant should have been given the engineering report. Mary Davis said that it is public information. Chairwomen Davis said they would not be taking any comments, the staff would be and perhaps then creating another report for the Commission. The Commission had an extensive discussion on this subject. Sally MacKenzie stated the Commission should have had Jim Stewart's report before the Public Hearing had closed. Jim Stewart said the Commission had his report at the Public Hearing; this report was compiled from information from that meeting and the Commission's comments. He suggested the Commission discuss the application and then make a decision on the request for an extension. Chairwomen Davis stated if they do vote tonight, she would like to know if everyone listened to the tapes if they missed any of the meetings and polled each Commissioner. Rosemary Bertotti stated she listened to the March meeting and was prepared to vote tonight. Sally MacKenzie stated she listened to the February and March meeting and was ready to vote this evening. Joseph Bakstis said he was present for all the meetings and was ready to vote. Lars Johnson stated he listened to the April meeting and was prepared to vote. Mary Davis said she listened to the March meeting and was ready to vote. Keith Rosenfeld went over his report and the engineering report with the Commission and the criteria for making a decision. He noted there was no other design alternative given. The Commission agreed. Joe Bakstis stated the Commission had also suggested the alternative of removing the garage and creating an open channel. Sally MacKenzie said it would have been less of an impact. Mr. Rosenfeld stated there were no alternative plans submitted that could alleviate impacts on the wetlands. Mary Davis said nothing more can be submitted and she feels it is a large impact on the wetlands. Mary Davis said the best practice would be to re-design the section and

the garage taken down. Sally MacKenzie said it would have lessened the impact all around. Jim Stewart discussed the engineering issues found in his report with the Commission. The Commission felt the engineering report changes done by the applicant might affect Jim Stewart's report. Sally MacKenzie felt it would be a lesser impact if they didn't have to deal with rerouting of the pipe.

VOTED: Unanimously with a motion by Joseph Bakstis and seconded by Sally MacKenzie to make a decision on this matter tonight and not accept Attorney McVerry's letter of extension.

Mary Davis stated her biggest concern was the pipe under the garage and that she wasn't happy with the whole situation. She felt it was a better alternative to remove the garage and open up the passage way and have a natural waterway. Lars Johnson said his biggest concern was the retaining wall construction. He felt there was not enough detail on how it was going to be done. He was concerned with the construction and quoted regulation Section 1A (10.2.7) and the short term impacts Section 10.2.3. Rosemary Bertotti said if the application is approved it shouldn't be without a sediment erosion bond and a monthly engineering report. She was also concerned over the long and short term impacts in Section 10.2.3.

VOTED: 4:0:1 On a motion by Sally MacKenzie and seconded by Joseph Bakstis to **DENY** the application on the basis of Regulations 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, and 10.2.10 and also the fact that there are alternatives to the project, for example less lots, less grading, not rerouting the brook, the number of houses, and the position of the houses away from the wetlands. We don't feel there is enough information for acceptance at this time. There are many issues with it which we have already discussed. Rosemary Bertotti abstained from voting.

Mary Davis called for a break at 8:45 P.M.

Mary Davis reconvened the meeting at 8:55 P.M.

D. Commission discussion of A Better Way Wholesale Auto, LLC located at 381 Rubber Avenue.

Keith Rosenfeld said he wanted to follow up with the Commission from last months meeting discussion. He had reported erosion on the site. He wrote Mr. Lee a letter addressing it. Michelle Ryan and he did an inspection and noted the stone area was working. The other area that was not treated had erosion into Long Meadow Brook. He noted that he received a call from Mr. Lee's paving company and met with him at the site. Since Mr. Rosenfeld's meeting with the paver he received a call from Brian Lee who said he was advised by the paver there was not enough stone on the property. They will remove the placed stone and put it onto the driveway and they will replace it with the 6 inch stone that was originally required by the Commission and pave the area that was on the plans. Keith said the office will be notified when the work is done. Mary Davis asked if he was going to go out and inspect the site while the work is being done. Keith stated yes.

- E. Commission discussion/decision on Inland Wetland Application for Naugatuck Masonry Supply, LLC located on 1483 New Haven Road (IW#08-02), Naugatuck, CT. Applicant: Mirjand & Genti Mulla.
- Rosemary Bertotti recused herself from the meeting and left the table. Ron Wolf, engineer for the applicant, stated he had submitted an updated set of plans. He went over the revisions since the last meeting and the site walk. He noted they had submitted the application to the CT Water Company to determine if they were in the aquifer protection area. They were informed they were. The Water Company requested they remove the underground infiltration units. They will re-grade the site so the sheet flow would be from north to south. They incorporated the swale on the east side which goes north to south and will be planted with pine trees. They also revised the planting plans by increasing the number to 16 pine trees and the number of spruce trees was increased and more was added to the easterly side. They moved the chain link fence just outside of the buffer area. Joseph Bakstis asked if the berm follows the setback line. Ronald Wolf answered it goes along the west side property line and ties into the elevation at a 356 contour. He noted that Cindy, his contact at the CT Water Company, reviewed and accepted the plans and she will write a letter to the Zoning Commission with her requests. Sally MacKenzie asked where the water will be collected. Ron Wolf showed her on the plans. He noted they revised the storm drainage plans as well. He stated there will be no activity within the 50 foot wetlands buffer. Mary Davis said she noted on the site walk it was a level lot.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie that the proposed activity is **NOT SIGNIFICANT**.

Joseph Bakstis wanted to compliment them on their plans and stated they did a very nice job. Jim Stewart said he like the swale and the berm. He said he would put pine trees on top of the berm. They will look higher and there will not be water running through the trees. He stated that since the water is pooling in the corner of the lot they might not want to plant anything there. He asked if they were concerned if the lot filled up at least one foot high that it would flood the parking lot. Ron Wolf said he looked at raising it up more, but that it is a small area and the soil drainage was good. He said it was a good suggestion to raise the berm up 6 inches. Mary Davis asked that since the lot is in a flood zone if the brook has ever overflowed during spring thaw or any other time. Ron Wolf said he spoke to John Rourke who owns the adjacent property and he has never seen it flood. Sally MacKenzie stated the trees behind the bins are not really necessary. Ron Wolf said the Zoning Commission wants them there, and if they rise up the berm they will be fine. Jim Stewart asked if the CT Water Company was ok with the roof liter infiltrator. Ron Wolf answered yes. Mary Davis said the Commission will continue this to the June meeting when they receive the changes and the new set of plans.

- F. Commission discussion/decision on Inland Wetland Application for a proposed Industrial Park located on Prospect Street (IW#08-03), Naugatuck, CT. Applicant: Capital Heavy Hauling, LLC.

Paul Benevich, the engineer for the applicant, stated they had flagged the area of the proposed crossing. The soil scientist flagged the wetlands in the area that they are working in. The culvert calculations were done and they are proposing a 66 inch diameter pipe that is 170 ft in length. He submitted this report into the record. He stated the drainage basin is 472 acres. He noted that the volume of fill for the crossing is in the wetland report. The total fill for the road embankment is 6,000 cubic yards. They have new plans that were amended that include just the crossing. They are calling it Phase 1 of the application which is the installation of the crossing on the culvert. Mary Davis asked if this application was for the crossing only and nothing else. Paul said that was correct. Joseph Bakstis stated he was not at the site walk, but did go and look at the property himself. Jim Warren gave Joseph Bakstis a new set of plans that were handed out at the site walk. Mary Davis noted that it is a very steep embankment and they are going to require a lot of fill. Jim Warren said from 1950 to roughly 1970 the lot was previously a sand and gravel pit. Most of the fill is already done from then. Material was moved around the entire site. It never had trees. Sally MacKenzie asked why they were not just building a bridge. Mr. Warren answered because they are doing this instead of piping it. It's not a viable wetland they would be saving. He feels it has to be cleaned up anyway. There are cement blocks, cars, refrigerators, kitchen sinks and other debris in it. He said it is like a dump. He said it is always an alternative though. Commissioner MacKenzie asked if it would be easier. Jim Warren stated it would be easier to pipe it and less expensive. Paul Benevich said it would have to be engineered and would be more of a nightmare. Installing the culvert is easiest engineering alternative. Jim Stewart noted there was a lot of debris and asked if they would want to pull it out before they back fill the culvert. Jim Warren answered yes, that it is easier to back fill the culvert then put 20ft of fill in a bridge for the utilities they need to bring up to the lot. There is about 15-18 ft required for other utilities that we need to get in. Jim Stewart noted they could hang the sewer and water from the bridge. Joseph Bakstis asked if they are still showing a 72 inch culvert. Paul answered no; they had just finished the calculations today and only will be 66 inch culvert. Commissioner Bakstis asked between the pipe invert and the road what the height would be on top of the culvert. Mr. Benevich answered it would be 18 ft from the center of the culvert from the existing brook to the new roadway. There will be 12 ft on the top of the pipe. He noted it would have to be done during the dry season. Commissioner Bakstis asked if there would be paved road on top. Paul answered yes; it would be the main entrance to the site. They are planning on building a temporary diversion basin. Then they will start building the embankment. They will minimize the brook disturbance. Jim Stewart asked how much excavation would be required to relocate the brook, going into the bank to relocate and how deep is the channel. Paul answered only a few feet deep. Mary Davis asked if he would need a state permit. Jim Stewart answered yes. He asked how wide the bed of the stream is. James Warren answered 3 ft. Paul Benevich said about 10-15 ft. He said they will rip rapt the channel to a temporary basin and there won't be that much disturbance. Commissioner Davis noted there will be a lot of impact with the culvert. Jim Warren stated the impact is only the

length of the channel and there will no doubt be an impact. Joe Bakstis asked what the culvert construction would be. Mr. Benevich said it would be corrugated aluminum or steel. Jim Stewart asked about an open bottom arch. Paul said it would still have to have some kind of footing. Mary Davis asked if it would be less of an impact. Jim Warren said it would all be about the same amount of impact. Jim Stewart noted that the state is always pushing for a natural bottom. Joseph Bakstis asked if it was a 2 to 1 slope and who determines that. Paul Benevich said it's the maximum slope for grass seeded slope without rip rap or stone. Commissioner Bakstis said at that slope, anything that's going down will have grass on it. Mr. Benevich said except for rip rap along some distance of the pipe which does minimize the chance of eroding grass.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie the proposed activity is **SIGNIFICANT**.

A Public Hearing was set for June 4th at 6:30 P.M.

Jim Warren stated for the record that he wants to have a meeting with Jim Stewart to go over the plans before the beginning of the Public Hearing so they could have everything addressed before it starts.

4. NEW BUSINESS

- A. Commission acceptance/discussion on Inland Wetland Application for a single family home located on Lot 1 Misty Wood Lane (IW#08-04), Naugatuck, CT. Applicant: Theresa & Josephe Mangine.

Keith Rosenfeld handed the Commission a letter from Attorney Woermer. Mary Davis stated they had received Inland Wetland approval in 1996 but the permit had expired. She noted she had trouble reading the map. Roland Desrosiers, engineer for the applicant, noted Attorney Woermer was supposed to be here but because of scheduling he couldn't be. He said they should have a copy of all the meeting minutes from the previous approval. All they are looking for is a review of the application. Nothing has been done to the lot since 1996. Mary Davis stated that since 1996 the regulations have changed and now they have to go by the new regulations. Roland Desrosiers said the plans were done by John Kenworthy and was taken out of the old wetland file. He is just asking that they re approve the prior approval. On the previous approval the application asked to fill in the wetlands. Mary Davis said she would like to schedule a site walk to look at the property. She doesn't think they can just re approve from the old regulations. Roland Desrosiers said they hadn't done the survey or flagged the wetlands. There were only 5 wetland flags done. Mary Davis said she didn't feel they needed to be flagged for one lot.

A site walk was scheduled for Monday May 12th at 6:00 P.M.

- B. Commission discussion on Westover Hills Subdivision wetland permit. Keith Rosenfeld handed a report to the Commission. He stated that with in the last 2 months the applicant for the subdivision had petitioned the Planning Commission to complete the project and would like the performance bond money back. He stated that normally this is a calm process. The town planner and

engineer normally go out and report back to the Commission. However, a number of residents have brought up some unresolved issues. The Planning Commission at its last meeting allowed the Public to speak concerning problems seen by the public. There was one item signed which is a possible public risk for the wetland permit. Mary Davis said she had reviewed it and didn't see any implications. Keith said the detention pond has to do with its non-wetland area. It has to do with the rock. Jim Stewart said if they have to blast the ledge out it will affect the wetlands, but if they have to plant new plantings then there is no impact. The residents feel the ledge above the culvert isn't safe. Joseph Bakstis said the Commission should wait until the contractor meets with the residents and makes a decision. Mr. Rosenfeld noted another issue. The lot across the street from the detention pond, Lot 13, was filled. They added a row of silt filtration fence with woodchips. The erosion control is now down. He said he would send a letter to the property owner and ask them to maintain the erosion and sediment control. Mary Davis asked if there was anything they needed to do or look at. Keith suggested going to the subdivision property and looking at the detention pond and the rock face. They need to see what they believe the impact of taking down the rock would have and how it currently affects the public safety. If there is blasting done and the wall is taken down, would it be beneficial or not to the wetlands? He feels they would need additional permitting. He noted this might be determined by the Planning Commission before the next Inland Wetland meeting. Mr. Rosenfeld also said they might need to come before this Commission with a new application if blasting was required.

- C. Commission acceptance/discussion on Inland Wetland Application for Long Meadow Pond Brook – Brookside Improvements located at 100 Rubber Avenue (IW#08-05), Naugatuck, CT. Applicant: Borough of Naugatuck. Jim Stewart stated the town had received a grant to replace the wall behind the Portuguese Club. They will be repairing the erosion at the corner of the parking lot. They feel this will beautify the area. They are proposing to install a concrete retaining wall and to put in a reinforced concrete block retaining wall along the river bank. They will be planting trees along the top. Behind that there will be a fence and a parking barrier. Mary Davis asked if they will be fixing the parking lot as well. Mr. Stewart said they will saw cut the parking lot and then repair it later. He went over the plans with the Commission. A site walk was scheduled for May 12th at 5:00 P.M.
- VOTED:** Unanimously with a motion by Joseph Bakstis and seconded by Rosemary Bertotti the proposed activity is **SIGNIFICANT**.
A Public Hearing was scheduled for June 4th at 7:00 P.M.

- D. **VOTED:** Unanimously with a motion by Joseph Bakstis and seconded by Rosemary Bertotti to permanently add **Administrative Business** to the agenda. Mary Davis stated the Commission has to revise and amend their regulations to conform to the new statute Public Act 06-53. She read it into the record. She asked Keith to make copies of it for all the Commissioners for the next meeting. The second item was the new state model regulations that were revised by the

state on May 1, 2006 and also need to accept as well. She also would like to increase the buffer zone from 50 ft to 100 ft. She stated they will need to work on the changes and then schedule a Public Hearing.

5. CORRESPONDENCE

Keith Rosenfeld handed the Commission a copy of the letter that he sent to Matt Troiano. He told the Commission that part of the subdivision and wetlands were approvals to clean out the wetland area and before he gave the town open space. There are a number of areas in the wetlands that are littered with car debris, car parts, and other materials. Mr. Troiano is willing to clean the area.

6. WEO REPORT

Keith Rosenfeld said that the engineering department will have a report for the next meeting regarding Republic Realty.

Mr. Rosenfeld noted that as part of the open space on Fawn Meadow Subdivision they found dumping in the wetland area. It appears that residents are dumping leaves, grass, and brush. Keith noted he met with the developer today and arranged to have the wetland cleaned out.

On Trout Brook Road, the property next to the Bertotti's, there was an issue concerning materials that were both zoning and wetland matters. Keith stated he is working with the ZEO. The resident was supposed to come to the office this week, but has not.

Keith stated he received a memo from the Mayor asking him to review the pipe that extends from Fox Hollow on Mill Street adjacent to Spruce Brook. During his inspection he found that it is an outlet pipe, that is not yet hooked up, that extends from the bio filter and will drain into Pigeon Brook.

7. VOTED: Unanimously on a motion by Rosemary Bertotti and seconded by Lars Johnson to **APPROVE** March meeting minutes.

The April Special meeting minutes were tabled until next month.

8. ADJOURNMENT

On a motion by Joseph Bakstis and seconded by Rosemary Bertotti the meeting was adjourned at 10:30 PM.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /md/rb