

**INLAND AND WETLANDS COMMISSION
CONTINUED PUBLIC HEARING FOR
Inland Wetland Application for Highwood Hills Estate Subdivision
Located on 45 High Street (IW #07-09)
Applicant: MaryAnn Dmuchowski.
April 9, 2008**

Mary Davis opened the Public Hearing at 6:30 P.M with the following in attendance:

MEMBERS:

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

OTHERS:

Public: 6
Keith D. Rosenfeld, WEO
Jim Stewart, Borough Engineer
Rachel Brainard

Roland Desrosiers, on behalf of the applicant, noted that at the last meeting there was a discussion over the drainage and the erosion control. He had spoken with Jim Stewart and revised their plans with all the corrections which were given to the Commission. He noted there is an additional area up stream with some water draining from our current 57 acre watershed that revealed that some of the water was coming by way of the subdivision which is covered in the Drainage Analysis report he supplied them. He stated there was also a comment about the retaining wall, and that he was able to obtain a letter from the adjoining property owner which he read and submitted into the record. They revised the soil and erosion control plan at the request of Michelle Ryan and Jim Stewart. He noted they are ready to ask for the Commission's approval tonight. Mr. Desrosiers stated that the pipe will now be all 42 inches. Joe Bakstis stated at the last meeting that Jim Stewart asked a question about the easement of the garage. He didn't feel there was a resolution to it. He noted Jim Stewart voiced concern about them going beyond the easement for the installation of the pipe and whether or not it was feasible. Roland Desrosiers said he had a meeting with Mr. Stewart. Joe Bakstis asked if he could put the 42 inch pipe in the easement of the garage. Jim Stewart noted the pipe would be 2 ft off the property line of the neighboring property. Mr. Desrosiers said he didn't feel it was an issue and they would address it with the Planning Commission. Mary Davis had a question about the narrative and how it was written and the road construction and the soil and erosion control plans, and asked Roland to explain them. Roland stated that Michelle Ryan said he had to explain how the road was constructed and show the sequence. He noted that Phases 1-3 are based on what Mrs. Ryan asked him to do. Roland went through the sequence written in the narrative on the plans. He stated the construction of the road would be sub grade, and then they will be able to construct the wall after everything was in place, erosion controls and drainage. There was a discussion between Roland Desrosiers and Jim Stewart over the 26 ft retaining wall and the grading of it. Rosemary Bertotti asked if there would be a pipe installed for drainage behind the wall. Roland answered yes, and there will also be rock and stone. He noted they will be digging the wall and back filling as they go. Commissioner Bertotti asked if the road will have curbing on both sides. Roland answered

yes. Jim Stewart noted on the plans they are showing areas of rock and asked if they saw it to be an impact on the wetlands if they hit rock vs dirt. Mr. Desrosiers stated if it is all rock then there will be less of an impact to the wetlands, there would be less soil to erode into the wetlands. He stated there would be no erosion off ledge, but perhaps more runoff instead. Commissioner Davis asked how the big wall was going to be put in. Roland answered the same as the wall on City Hill Street. They would be using 3-4 ft long blocks and putting crushed stone as they go. Mary Davis asked if they planned on doing borings. Mr. Desrosiers said they don't have a plan for it right now, but they probably would get a machine in there. Roland stated they were not going to start construction until the road and storm drains were constructed. He noted the total disturbed area is 3.6 acres. Mary Davis asked what the water shed area was for the drainage that comes down. Mr. Desrosiers said 57 acres for what the 42 inch pipe has to handle which is all upstream from the property. He said there are 2 ½ acres coming down from the road. Joseph Bakstis said he was concerned with the installation of the 42 inch pipe, even though they received an easement from the adjacent property owner. Once the pipe is in it will be taking water from the wetlands and will need maintenance. He asked if the easement is given to the town to maintain. Roland Desrosiers said the drainage was not a problem and the easement was 20 ft. wide. Joseph Bakstis asked if it goes through the garage. Mr. Desrosiers said it was limited by the garage. Jim Stewart asked if the pipe is 3 ft off the edge of the garage. He said he is concerned with the constructability. He noted he is undermining the foundation by 4 ft. Commissioner Bakstis said he needed more detail on that construction. Roland Desrosiers said there is existing drainage under there now. He said he could underpin the garage when they are constructing the pipe. Mary Davis asked why not put the pipe where the existing drainage is because it would be less of an impact to the wetlands. Roland said they only proposed this because of the expense of the work of rebuilding the garage. He said they would dig 7 ft down for the new pipe. He noted the garage appears solid. He said it is about 3 ft. lower than the bottom of the footing for the garage. Mary Davis asked if the impact would be much less using the existing water way. Roland said the less impact would be to go around the garage. That way you could keep the water flowing while installing the new pipe. He asked if the new pipe is installed under the garage would the town be able to maintain it, or it wouldn't be the town's responsibility then. Jim Stewart asked if they showed the easement on the plans. Roland answered no. Commissioner Davis asked if they would be willing to remove the garage. Roland said they really didn't want to move it. It has value for the existing house. Mary Davis suggested this so you would leave an open water way with a pipe and drainage and it would be able to be cleaned when necessary. Attorney Michael McVerry, representing the applicant, stated this was discussed 2 months ago. It was the Commissions suggestion to do a jog and move the pipe. Jim Stewart asked how far into the wetlands will they be excavating. Roland answered 10 ft, which is shown on the other set of plans. Mr. Stewart asked what the impact of grading that area into the pipe would be and asked about the detail of the headwall. Roland said it was outlined in the construction narrative. Jim Stewart asked if they would be 10ft away from the headwall grading in. Roland answered yes. Roland Desrosiers noted they did not include anything on the plans about cleaning up the trash and debris in the neighborhood, but they could. Henry Mueller, soil scientist, suggested the removal of the dead trees, brush and the trash. He said they discussed this with the neighbors that once it was cleaned they would keep it up. The natural vegetation

would be able to thrive better. He said it would be removed by hand and there was no need for the use of machinery. Mary Davis asked if they were planning to do some plantings on the sloped area of the brook. Joseph Bakstis noted that houses number 7 and 5 are higher than the wetlands and was concerned that anything done to the lawns would drain into the wetlands. He asked if they could request a wall at that 50 ft. area. Keith Rosenfeld said they could put a barrier. Roland suggested planting a row of hemlocks or they could put a berm at the end of the slope. He said they could also include a term in the deed that would notify the property owner there is a wetland. Mr. Rosenfeld suggested a conservation easement. Sally MacKenzie said that sounded better than planting a row of trees. Jim Stewart stated they don't want to concentrate the water, they don't want it to collect, and they want the water to sheet flow. Commissioner Bakstis said he would like to see something more definitive on the easement. Roland noted they still have to go before the Planning Commission which would take care of that. Jim Stewart said that looking at the calculations it shows the upper water shed consists of about 88 acres which is draining into the water pipe. He asked Roland how he made that determination. Mr. Desrosiers stated that he used the watershed maps which don't show any water flowing there. He got the calculations visually on the site. Jim Stewart asked about the elevation of the dam. Joseph Bakstis asked Jim Stewart after reviewing the data dated March 11th if everything had been covered on the drawings or answered by Roland. Mr. Stewart answered that he hadn't had a chance to go through everything but he will have it for the next meeting. There was no public comment.

Commissioner Davis closed the Public Hearing at 7:40 P.M.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb

**INLAND AND WETLANDS COMMISSION
SPECIAL MEETING APRIL 9, 2008**

Mary Davis called this meeting to order at 7:40 PM with the following in attendance:

MEMBERS:

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

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.
2. Executive Session concerning litigation pertaining to the Paddock Ridge Subdivision.

The Commission entered into executive session at 6:05 P.M. inviting Attorney Brian Tynan and Keith Rosenfeld.

3. **OLD BUSINESS**

- A. Discussion of Autohaus, Inc. located at 393 Rubber Avenue.
Attorney Michael McVerry, representing the client, stated they had received a variance for the building. They are in the process of preparing the site plan for the Zoning Commission. He noted they expect it to be done shortly.
- B. Commission discussion of fine ordinance.
Keith Rosenfeld stated the Borough Board will hold a Public Hearing in May. He will provide the Commission with the scheduled date.
- 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.
The Public Hearing was closed.
- D. Commission discussion of A Better Way Wholesale Auto, LLC located at 381 Rubber Avenue.
Keith Rosenfeld said he went to the site with Michelle Ryan and they saw 2 areas of concern. He noted the placed stone area is working well. In the area near the garage , where the pavement was broken up, there was a small divot and erosion taking place. He suggested writing to the owner to have him correct this issue. Joseph Bakstis asked what happened with the issue of the stone size. Keith suggested that Michelle Ryan could address that issue at the next meeting. Mary Davis said they need to know for the next meeting. Jim Stewart said that Michelle had said the stone was working perfectly, but he will confirm that with her. Mary Davis suggested giving him a date to comply and contacting him to complete the work and do the necessary improvements.

4. **NEW BUSINESS**

- A. Commission acceptance/discussion on Inland Wetland Application for Naugatuck Masonry Supply, LLC located on 1483 New Haven Road (IW#08-02), Naugatuck, CT. Applicant: Mirjand & Genti Mulla.
Keith Rosenfeld noted the report of the soil scientist is not part of the application but he has requested it. Chairwoman Mary Davis noted for the record that Commissioner Rosemary Bertotti had recused herself from the board for this application. Commissioner Bertotti left the table at this time. Ron Wolfe, Woodbury engineer, went over the plans with the Commission. He stated this would be used for construction and operation of a masonry supply business. He stated the parking area would be paved. They are proposing 2 catch basins. They are planning on installing a chain link fence that will be within 50 ft of brook. There will be storage bins for the stone on the property. He noted the landscaping plans were submitted with the application which he went over with the

Commission. He noted there is a buffer provided and they are planning on keeping the tree line. Mary Davis asked if it is all going to be paved. Mr. Wolfe answered just the customer parking area. Joe Bakstis asked what the slope of the property was. Ron Wolfe said it was very flat. Jim Stewart noted the chain link fence they are proposing is only 25 ft from the stream and asked if they could move it closer to the yard, away from the wetland. Ron Wolfe said they could do that, they had placed it there as a security issue. He showed the Commissioner where the aquifer protection area was and noted that Steve Macary, the Borough ZEO, is supposed to get back to them on that issue. He stated they will be going in front of the Zoning Commission. He said they plan on keeping all vegetation on the lot. Mary Davis asked what they would be doing on the property. Mr. Wolfe answered they will have bins containing brick and stone for sale. Commissioner Davis asked if there will be a lot of dust coming off the property. Mr. Wolfe stated if the property was sloped then he would be concerned. He noted there will be bins and that the closest part to the wetland area would be 70 ft. Joe Bakstis asked if the material is all natural, small piece stone. Mr. Wolfe answered yes, there are no chemicals. Jim Stewart noted the nice thing about it is they are all porous so they won't move. Jim asked what the grading of the parking area was. Ron Wolfe said that part of the property is in the flood plain and they kept everything as high as possible so not to increase the runoff from the site.

A site walk was scheduled for Monday April 21, 2008 at 5:00 P.M. with a rain date of Tuesday April 22, 2008.

B. Commission acceptance/discussion on Inland Wetland Application for a proposed Industrial Park located on Prospect Street (IW#08-03), Naugatuck, CT.

Applicant: Capital Heavy Hauling, LLC.

Paul Bunevich, the applicant's engineer, stated the site was an old gravel pit that was mined in the 1950's through the 1960's. He noted Mr. Warren is looking to purchase the property from Dr. August. This application is for a better access from the road off the highway so they would not have to go through Prospect. They are currently in the process of working to change the zone to a PDD. Sally MacKenzie noted they said they are here because they want to build a crossway, but they don't note the other wetlands on the property. Jim Warren, Capital Heavy Hauling, stated this is a 2 part application and this is part 1. They are keeping work away from any other wetland area at this time and are just focusing on the crossing of the roadway. Commissioner Mackenzie asked if there was any other construction. Mr. Warren stated there is no building, no other work on site in the wetlands. Keith Rosenfeld asked if the application includes the excavation work on the plans. Mr. Bunevich said first they went in front of the Zoning Commission with the plan, which was well received. He noted that the plans in front of this Commission show more than what they are proposing. Jim Warren said they are just proposing the crossing at this time. Jim Stewart asked if there would be any excavation. Jim Warren said there will be, but as far as the wetlands are concerned they are just asking for the crossing. Jim Stewart noted the Commission can decide if the excavation has an impact even if it is not in the

buffer. Rosemary Bertotti said all the wetlands should be protected and there are wetlands in the front and back of the property. Keith Rosenfeld asked if there has been any excavation yet. Jim Warren answered yes, test pits have been done. Sally MacKenzie noted they need to know those things. Keith asked if they could put that information on the plans so the Commission could see it. Mr. Warren said yes, he would do that. A sitewalk was scheduled for April 30, 2008 at 5:00 P.M. Jim Warren said that the brook was contaminated with debris, old tires and cars, and water heaters. He feels they will be able to clean up the site. He said it is an open sandy gravel bank. Test pits were done and around 20 ft they hit virgin land. Keith Rosenfeld asked if the wetlands have been flagged. Mr. Warren said no, but they could flag in the area planned for the crossing. Keith said the Commission would want a report from a soil scientist and drainage calculations. Jim Stewart suggested relocating the pump station near the crossing. Mary Davis asked if they knew how much wetlands were on the site. Mr. Warren said the water courses were marked in blue on the plans. He said they have already met with the state concerning the opening and they are planning on starting this because it is not in a regulated area. It has already been approved by the state and they will receive the permit in the mail. Jim Stewart asked how that site was picked for the opening. Jim Warren said one reason was the state; the site line was the other. There were channels dug by the state to get the water from Route 68 to the river and would be the least impact. Rosemary Bertotti asked if they would have any other heavy equipment doing the excavating. Jim Warren said yes, they will be doing excavation. Commissioner Bertotti stated it bothers her that they are doing excavation without showing them anything. Rosemary Bertotti asked to have the back wetlands flagged. Jim Warren said there is a 20 ft cliff to the back stream. Mary Davis stated it was unusual to get an application in piece form. Jim Stewart noted they need to look at feasible alternatives. Mr. Warren said they are doing the crossing to access the property. They were asked by the Zoning Commission to get the crossing while they are working on the PDD. If this is not approved then they are not going to continue with the plans. Jim Stewart noted the grading plan should be part of the application. Paul Bunevich said they will clean this up and include the proposed grading. Rosemary Bertotti said she didn't feel comfortable voting on half of a permit. Keith Rosenfeld noted that part of the PDD is the report from the Inland Wetland Commission. He said the applicants should account for the most amount of material coming off the property so they would not have to come back for any modifications. He feels it's best if they get involved from the start. Mary Davis asked if they would bring in new plans. Mr. Bunevich said they will show the crossing in a new grading and soil and erosion control plans.

5. CORRESPONDENCE

Mary Davis stated she had received an envelope at tonight's meeting but didn't know what it was. Keith Rosenfeld said he thought it was a petition from the residents of Westover and he didn't think it should be discussed at this meeting. He said it was not part of the agenda. Mary Davis said it fell under correspondence. Keith said it really wasn't a letter. He said if the gentleman who

brought it in would like to come before the Commission, he would let him know. He could come to the next meeting and discuss what ever she would like. Mary Davis asked if he was here tonight. Mr. Rosenfeld said no. Jim Stewart said there are a lot of interested parties that might want to be part of the conversation. Mary Davis wanted to know why she got it handed to her at the meeting. Keith said it was given to us to give to you. Commissioner Davis said she wouldn't do anything with it tonight. Mr. Rosenfeld said he would be in touch with those individuals and if they would like to come to the next meeting then it would be a regular scheduled item. Mary said if we received it they would have to do something and it would need to be put on next months agenda. Mary Davis said she thought she should read it, but they wouldn't have to discuss it. She read the petition into the record concerning the release of the performance bond for Westover Hills Subdivision. She then noted that he would have to request to have it put on the agenda.

6. WEO REPORT

No WEO report.

7. **VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** February meeting minutes with stated corrections. March's minutes were tabled until next months meeting.

8. Rosemary Bertotti had a question regarding minutes under the Freedom of Information Act. Mary Davis explained that corrections can be made to the minutes only until they are approved by the Commission.

9. ADJOURNMENT

On a motion by Joseph Bakstis and seconded by Rosemary Bertotti the meeting was adjourned at 9:15 PM.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary / rb/ md