

**INLAND AND WETLANDS COMMISSION
PUBLIC HEARING FOR
Inland Wetland Application for Highwood Hills Estate Subdivision
Located on 45 High Street (IW #07-09)
Applicant: MaryAnn Dmuchowski.
FEBRUARY 6, 2008**

Mary Davis opened the Public Hearing at 7:00P.M with the following in attendance:

MEMBERS:

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

OTHERS:

Public: 11
Keith D. Rosenfeld, WEO
Rachel Brainard

Keith Rosenfeld stated the notice for this Public Hearing was placed in the newspaper. He read the legal notice into the record. He also noted the adjourning property owners were notified properly. Attorney Michael McVerry, on behalf of the applicant, stated the Commission received the soils report from Mr. Mueller. He noted that Mr. Mueller had to leave the meeting at this point and asked if the Commission had any questions for him. Henry Mueller, soil scientist addressed the Commission. Joseph Bakstis asked if the swales noted in Mr. Mueller's report, are shown on the maps. Roland Desrosiers showed Mr. Bakstis where they were located on the plans. Commissioner Davis asked about the functioning man made drainage and where they are located. Mr. Mueller showed her on the plans where they were located. Mrs. Davis also asked about the sediment. Mr. Mueller stated there is soil in the lower wetland. He said for many years the sediment has accumulated from the steep stream and drainage from the roads located up from the property. There is also water that runs north of the property. He noted that the slopes are more level and the boundaries are filled to the edge. Lars Johnson asked what direction the runoff from the pervious surfaces would go, and if it was to be directed down the driveway into the drains. Mr. Mueller said that most of the runoff is intercepted by the driveway. At this point Attorney McVerry asked if the Commission had any further questions for Mr. Mueller because he had to leave. Attorney McVerry went over the plans. He stated the subdivision will be serviced by public water and sewer. He noted they were unable to do the camera study because the water levels were too deep and the camera could not be submersed under water. He said the only access to the property is from High Street. He noted there is no activity proposed in the wetlands or the wetland setback areas. Roland Desrosiers stated he prepared the plans for the applicant. He noted that they submitted revised plans about one week ago. At this point he went over the plans with the Commission. He noted that 2 lots on the hill are similar to those at Jones Road and have a shared driveway. He has made some modifications to avoid the same situation here. Instead of installing underground storage chambers for the runoff they will install 15 inch pipe with the standard catch basins in the driveway which will flow into the roads storm drain system. He noted there will be catch basins all along the driveway. He said that

because the subdivision is so close to the river they are not planning on putting any detention. Joe Bakstis asked where the flow goes after it comes down to the cul-de-sac off the driveway. They will install erosion control blankets because of the steep slopes. Roland Desrosiers stated because it is less than 5 acres it will not need a permit from the state. There will also be temporary sediment pits during construction. They will use stone check dams as temporary measures. Mary Davis noted there is no engineering stamp on the revised plans submitted and there is no key map which was asked for at last months meeting. Roland Desrosiers said the plans will be stamped. He noted he received a checklist from Jim Stewart on Monday and has not addressed those issues yet. He said he designed the subdivision to keep out of the wetland and the wetland buffer. He feels they are more than exceeding the requirements for Zoning. Mary Davis asked what they are going to do about the garage that has the water flowing underneath it. Mr. Desrosiers stated it is an existing structure and they plan to leave it alone. His engineer is working on the calculations to show that the piping is adequate to handle the flow and should have them for the next meeting. He noted in the past it has never been maintained. Commissioner Davis asked who will be responsible for maintaining the pipes. Roland answered the owner of Lot 1. Attorney McVerry said it can be made a condition of any approval and written into the deed. They can also give the town permission to do maintenance and then bill the property owner. Joseph Bakstis said he was not happy the camera study could not be done. Roland said the camera is only water resistant, not water proof. Commissioner Bakstis said there are other things that could be done, for example a dam. He stated he would like to hear Michelle Ryan's comments. Mary Davis noted it was a concern of all the Commissioners. Keith Rosenfeld said he spoke with Jim Stewart who stated if the pipe does need to be replaced; it should be part of this application. Mary Davis asked if there was a pipe under the garage. She noted this is a big unknown, and no one seems to know. Joseph Bakstis stated they don't know if there is a pipe or what kind of condition it is in. That this was the trouble spot. Roland Desrosiers suggested they might be able to redirect the water flow with a pipe that goes around the garage, a secondary pipe on the west side. He would have to talk with the property owners and obtain an easement. Commissioner Bakstis said if they get the calculations and Jim Stewart says they need it, maybe they can get a slip pipe. Rosemary Bertotti asked if anyone knows when the last time the pipe was inspected. Roland Desrosiers answered no. He said they want a new 42 inch pipe that will go up the sidewalk. He said there is water going underneath the house on the property below. They would relocate the 36 inch pipe and abandon that completely. Joseph Bakstis said if this option is ok with Jim Stewart then he feels this would be a better approach. Mary Davis asked if the check dams were temporary. Roland answered yes. He noted that Lot 2 and Lot 4 will not be able to be built on until the basin is no longer being used. He noted the sedimentation detail is in the note on the plans, but he could also add that to the narrative. Mary Davis said yes and requested it be put into the narrative. Mr. Desrosier stated the sediment is coming from Woodland Street and Granite Street and from the woodlands water course in the back of those houses. Joseph Bakstis asked about the stone swale. Roland Desrosiers noted it was temporary. Lars Johnson asked about the slope. Roland said it was 2 to 1. He said the detail will show the erosion control blankets. He said it will be covered with loam and seed when it is done. Joseph Bakstis asked if Jim Stewart has looked at the plans. Keith Rosenfeld said that he was not sure, but that he is aware of that kind of sedimentation and erosion control. He said he does want the final

report from either Michelle Ryan or Jim Stewart. He told the Commission they would need to make a finding that the plan is most prudent and feasible because they declared it a significant activity. Roland Desrosiers said it is hard to say there are other alternatives for this site and feels the best way is to not to disturb the wetlands and that is what they are doing. Mary Davis said that the garage was put in 75 years ago and Roland Desrosiers stated yes. He stated the brook had stone walls and someone had just built over the top of that. Mary Davis stated it was like a French drain. Roland Desrosiers stated yes. Any other alternative will impact the wetlands. Attorney McVerry said that Mr. Mueller did address in his report on page 2 that there is no alternative to the plans. Keith Rosenfeld said he just wanted to get it on the table and to put it on the record.

At this time Mary Davis opened the meeting up to the Public.

Fevzi Hursid, owner of 42 and 44 High Street, said he thinks it's a good idea to put something new and take out the old. He says there is nothing but trouble with the tenants there and it would be nice. Joseph Bakstis asked if he had any water problems. Mr. Hursid said no he lives across the street. Attorney McVerry noted the Commission had done a sitewalk and asked if they wanted to do another one under the Public Hearing.

Commissioner Davis said she didn't feel it was necessary. Rosemary Bertotti asked if Roland was going to look into speaking with the people at Lot 1. Attorney McVerry said it was the adjacent lot. Mary Davis asked what the time limitations were on this application. Keith Rosenfeld said he would like to see evidence that the pipe would be ok with the people who own the property. He also asked if the flood zone information has been accounted for. Attorney McVerry stated Jim Stewart asked for it in his report. Mary Davis continued the Public Hearing for March 5th at 6:30 P.M.

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING FEBRUARY 6, 2008**

Mary Davis called this meeting to order at 6:00 PM with the following in attendance:

MEMBERS:

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

OTHER:

Public: 11
Keith Rosenfeld, WEO
Rachel Brainard

1. Mary Davis took attendance, and opened the meeting with the Pledge of Allegiance. Mary noted there was a quorum. At this time she appointed Lars Johnson a regular voting member in place of Sally MacKenzie.
2. At 6:05P.M. the Commission entered into executive Session inviting the Borough Attorney and Keith Rosenfeld regarding pending litigation Re: Republic Realty LLC, City Hill Associates and RJ Starr. The Commission came out of executive session at 6:55 P.M.
There was a 5 minute break.

3. OLD BUSINESS

- A. Discussion of Inland Wetland Violation for Autohaus, Inc. located at 393 Rubber Avenue.
Keith Rosenfeld said the site has maintained it's stable condition. He noted the surveyor is here tonight with the property owner to show what is coming in the future. They want to show that things are moving along and they are not ignoring the concerns of the Commission. John Kenworthy state he has a preliminary plan to show the Commission. He went over it with them. He stated they are going to build a prefabricated steel building. They are just waiting on information about the size they can supply. The building will not be built into the buffer area and there will be no work in the buffer area. Mary Davis asked if Keith Rosenfeld looked at the cars they inquired about at the last meeting. Keith answered yes, and stated they are stable and there are no fluids leaking.
- B. Commission discussion of fine ordinance.
Mary Davis noted this was before the Borough Board last night and they set a Public Hearing in favor of it. She said it will be published in the paper twice. She asked Keith if he knew when it would be because she wanted to attend but didn't know if she could because of her schedule. Keith Rosenfeld said he could advice the Borough Clerk to set it for April. Mary Davis said she wouldn't be back until April 9th.

- 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.
This Public Hearing was continued for 6:30 P.M. at the March meeting.

4. NEW BUSINESS

- A. Commission acceptance/discussion of Inland Wetland Application for property located on 1 Risdon Street (IW #08-01), Naugatuck, CT. Applicant: First Hartford Capital LLC.
VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Rosemary Bertotti to add Inland Wetland Application IW #08-01 to agenda.
Attorney Fitzpatrick, representing the applicant, noted the plans submitted were just conceptual at this point. He told the Commission that Jim Vitas is in charge of the management of this project. They are planning on developing the Ridson property. They are asking for the input of the Commission tonight on the proposal of the plans and any thoughts they might have. He asked if there were any specific requirements they could suggest. He then went over the plans with the Commission. Attorney Fitzpatrick asked what kind of things the Commission would like to see along the watercourse. He noted they are working with the Zoning Commission with the new regulations adopted for Rubber Avenue. They are also working with them on the parking. Rosemary Bertotti asked if this was within the 50ft buffer. Attorney Fitzpatrick answered yes and they would like to put landscaping along the river if they would allow. Mary Davis noted she would like there to be something that will eliminate the debris from going into the river. Attorney Fitzpatrick suggested it could be done with fencing or with landscaping. Mary Davis suggested a small wall along the edge of the driveway. Attorney Fitzpatrick stated there will be 85,000 sq. ft. of commercial space. He asked the Commission if they suggested a specific type of tree for the lot. Mary Davis said no trees that shed because of the river. Attorney Fitzpatrick thanked the Commission for their thoughts and said they would come back with more complete plans at the next meeting. Keith Rosenfeld offered the opportunity for the Commission to set a Public Hearing and to start the process. Mary Davis noted she would not be at the next meeting and would rather wait.
- B. Joseph Bakstis motioned to ratify that an executive session was done by 2/3rd vote inviting Keith Rosenfeld and Attorney Hess in, Lars Johnson seconded it. During the executive session Mary Davis recused herself from the Republic Realty discussion and left the room.
- C. Rosemary Bertotti motioned to add a request for an item that allows the Borough Engineer or Assistant Borough Engineer to review the Republic Realty Subdivision plans and to do an engineering study to review the impact of the wetlands and if possible have it prior to the next meeting, Lars Johnson seconded it.

Keith Rosenfeld will put this item in writing and will be put on the agenda for next months meeting.

5. CORRESPONDENCE

- A. Dorothy Hoff, the Burgess Liason, spoke to the Commission about two things that happened at January's meeting. She noted she could have brought this up at the Borough Board meeting, but felt it would be better to come to the Commission directly. She said everything that was done was legal but not fair or just. There were two items; the election of officers and the removal of Commissioner Vincent Friel. She felt the election was important enough to be put on the agenda and should not just be added. Mary Davis stated that people were going to be missing for the next meeting. Burgess Hoff also stated the removal of the Commissioner should have been on the agenda because the removal of a Commissioner does not happen lightly. She noted the Borough Board has the authority to remove offices and it is always done with proper notification. She felt it would have been fair to give Vincent notice. Commissioner Davis said that Mr. Friel resigned and he told Keith Rosenfeld but never sent in a formal letter. She also stated she had tried to call him a few times, but he never returned her call. Dorothy Hoff stated Judy Crosswait had difficulty getting in touch with him as well. She didn't think that this Commission was a good fit for him; it didn't fit well into his schedule. Dorothy said just because Vince told Keith he was resigning she feels it is more something the Borough Clerk should be handling. Mary Davis stated it was late summer when Vincent spoke with Keith and calls went out to him and she thought letters did as well. Dorothy Hoff said she had spoken with Mr. Friel and he told her he had some difficulties with this board, but he would have considered coming back. Burgess Hoff feels there was a slip up in the way the Wetlands Ordinance was written. She feels Commissioner Friel should have received a letter and this item should have been on the agenda. Dorothy asked that in the future they follow this protocol. Commissioner Davis said she felt the board was handicapped without a Commissioner, but in the future they will give notice. She stated she was just following the Charter. Rosemary Bertotti said she felt it was a good suggestion. Mary Davis said that if Vincent Friel wanted to come back he would have been welcome. Joseph Bakstis said he felt Vincent had good input.
- B. Keith Rosenfeld told the Commission that he had sent a letter to Mr. Lee for a possible wetland violation. He asked Mr. Lee to verify the material that was put down. If they do not receive a response with in a 10 day period they will issue Mr. Lee a cease and desist. Then a Show Cause hearing will be scheduled. Joseph Bakstis noted they had given him explicit detail of what the Commission had wanted. Keith Rosenfeld asked the Commissions permission that if it does come to a Show Cause hearing, because of the nature of this applicant, they would like to have a police officer present. He said they are not saying there will be trouble, or that something will happen, but he would like permission to ask the Mayor to have a police officer present. Mary Davis said someone had observed them washing cars on the lot and that the DEP was notified of this. Joseph

Bakstis asked if there was a record of the notification. Keith Rosenfeld said that it was done by telephone, but they will receive a report in about 2 weeks.

6. WEO REPORT

No WEO report.

7. **VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Rosemary Bertotti to accept December meeting minutes as amended.

VOTED: Unanimously on a motion by Lars Johnson and seconded by Rosemary Bertotti to accept January meeting minutes as amended.

8. ADJOURNMENT

On a motion by Joseph Bakstis and seconded by Rosemary Bertotti the meeting was adjourned at 8:45PM.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb/md