

**SHOWCAUSE HEARING FOR IW
VIOLATION REGARDING A DETENTION POND
WITH PONDSIDE CONDIMINIUM COMPLEX, NAUGATUCK CT
OWNERS: DA RICH COMPANY, LLC**

Mary Davis opened the Show Cause hearing at 5:35 P.M. with the following in attendance:

MEMBERS:

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

OTHER:

Keith Rosenfeld, WEO
James Stewart, Boro Engineer
Rachel Brainard, Secretary
Public: 4

At 5:40 P.M. Jeff Hayden arrived at the meeting. Keith Rosenfeld started by explaining to Donald Rich why they were asked to attend tonight's meeting. Donald Rich of DA Rich Company, LLC presented the Commission with pictures of the detention pond that were taken on Monday. He stated the pipe was cleaned on Tuesday and submitted pictures of the detention pond after the cleaning was done. He stated the water comes from Lantern Park and is constantly flowing. He said they had scheduled cleanings twice a month, but it must not be enough because the pipe clogs quickly. Keith Rosenfeld stated the Borough staff has visited the site numerous times within the past 3 months and it was clogged each time. Lars Johnson asked if they could submit a proposed maintenance schedule to the Commission. Mary Davis asked that the cleaning be done weekly instead and that the staff review it to make sure that the work is done. Mr. Rich noted that part of the pond is not owned by Pondsides Condos. Charles Tackmeyer, President of Pondsides Condominiums said a problem they are having is that trees are falling into the pond from the adjacent land owner. Mary Davis noted that is the natural progression of the trees and they can not ask anyone to be responsible for that. Skip Baummer, 211 Field Street, thanked the Commission and the representatives from Pondsides for addressing these issues. He asked Jim Stewart to look at the elevation of the pipe in the detention pond. Jim Stewart stated the plans do not show the elevation and they can not check to see if it was built to design because there is nothing to compare it to. Skip Baummer stated the outlet pipe is higher than the surrounding landscape. Keith Rosenfeld noted the elevation of the pipe would be for the Zoning Commission to review; this board's focus is the wetland issue. Mary Davis told Keith to send this to the Zoning Commission, but keep it on the wetland agenda with the maintenance schedule. Mr. Baummer said they would want to look at the 1988 plans. He also asked that Jim Stewart record the elevations. Lars Johnson suggested measuring the elevation at the beginning of the pipe and at the end. Jim Stewart recommended getting a letter from the applicant stating they will maintain the pipe and a letter from the applicant to the maintenance person asking them to do the work. Then the Borough will keep an eye on the site. Mary Davis asked that they watch it until the end of September. Charles Tackmeyer said it is his understanding that Lantern Park built the pond and thinks it was there for 37 years.

Mary Davis called for a recess at 5:55 P.M.

**CONTINUED PUBLIC HEARING FOR A
PROPOSED INDUSTRIAL PARK (IW #09-01) LOCATED ON PROSPECT ST.
APPLICANT: CAPITAL HEAVY HAULING
June 3, 2009**

Mary Davis opened the Public Hearing at 6:35 P.M. with the following in attendance:

MEMBERS:

Mary Davis, Chair
Joseph Bakstis, Vice Chair
Sally MacKenzie, Secretary
Lars Johnson, alternate
Jeff Hayden

OTHER:

Keith Rosenfeld, WEO
James Stewart, Boro Engineer
Wayne Zirolli, Asst Boro Engineer
Rachel Brainard, Secretary
Public: 13

Attorney Michael McVerry, representing the applicant, reviewed the proposed plans with the Commission. He stated that since the last meeting the applicant and engineer met with Southwest Conservation District officials on May 18, 2009. He noted that new plans had been submitted today. He submitted a copy of the DEP storm water permit into the record. Paul Benevich, engineer for the applicant, noted they have responded to the letter from Southwest Official Roman Mrozinski and made changes to the plans. He went over the changes with the Commission. He noted the project will now be divided into 4 phases. He said they have reduced or eliminated the intrusions into the regulated area. Mr. Benevich said there is a total of 20,415 sq ft of regulated area activity. He stated the erosion controls were added to sheet 5 of the proposed plans. He also stated that rain gardens have been designed to replace the underground infiltrators. Mary Davis asked if they had a list of plants they would use for the rain garden. Mr. Benevich did not, so Commissioner Davis said that land use staff would provide one. Lars Johnson asked if the roof gutters would be directed to the rain gardens. Paul Benevich answered yes. He noted there will be a total of 18 rain gardens and that the bigger buildings would have 2. Joseph Bakstis stated there was no discussion of the refueling area. Paul Benevich said the area is not specifically shown, but it is on the narrative. He stated at the present rock quarry site there is an area that is 200 feet where Mr. Warren currently takes care of any truck maintenance. Lars Johnson asked what kind of containment they are using. Mr. Benevich said it is just a depression that is filled with gravel. James Warren stated that when this project starts they will then submit information to DEP. He commented on the report he had received from DEP. Mary Davis stated she had received a copy of it from Steve Macary and handed a copy to each Commissioner and one for the file. Attorney McVerry noted that the conservation easement and the maintenance of the ponds would be the association's responsibility.

There was no Public Comment.

Mary Davis closed the Public Hearing at 7:20 P.M.

At this time Wayne Zirolli left the meeting.

Commissioner Davis called for a short recess.

**CONTINUED PUBLIC HEARING FOR
WATER CROSSING FULLING MILL BROOK COMMONS
(IW#09-03) LOCATED ON PROSPECT STREET.
APPLICANT: ONSI TAWADROS
June 3, 2009**

Mary Davis opened the Public Hearing at 7:25 P.M. with the following in attendance:

MEMBERS:

Mary Davis, Chair
Joseph Bakstis, Vice Chair
Sally MacKenzie, Secretary
Lars Johnson, alternate
Jeff Hayden

OTHER:

Keith Rosenfeld, WEO
James Stewart, Boro Engineer
Rachel Brainard, Secretary
Public: 11

Keith Rosenfeld stated that everything has been received to open the Public Hearing. Arnold Weisman, engineer representative for applicant, handed a letter for an extension into the record. He stated they had just received comments from South West and were unable to respond to them as of yet. He went over the proposed plans with the Commission and the reason for choosing the location of the crossing. He noted that it was economically unaffordable to build a bridge over the site. He stated they have 2 options: a single culvert or a 2 barrel structure. He gave the Commission copies of the concept plan, and noted they are going to make some modifications. He said the planned development would be residential. Mary Davis read from a DEP document about stream crossings. Mr. Weisman stated that either a 2 or 1 barrel culvert would handle the water flow from the stream. He noted they can not build a clear span. He stated the DEP has a preferred type, but it is not the only option, they do not dictate or mandate the type of crossing. Joseph Bakstis asked about a buried culvert. Sally MacKenzie asked if they have contacted DOT about the location of the crossing. Arnold Weisman stated they will have to go through them, but first they need the town's approval, then the DEP, then the DOT. Chair Davis asked if the applicant had any intent of mining the site. Mr. Weisman stated that is not the intention of the owner, but there will be timber clearing and excavation to the site. Joseph Bakstis stated that is difficult for them to make a decision until the calculations have been received. Mary Davis stated they really don't have a plan and feels they can't have a Public Hearing. Arnold Weisman stated they are not asking for a decision to be made tonight. Commissioner Bakstis said he feels the application should be withdrawn and then resubmitted with a complete set of plans. Mary Davis said there is no plan and no alternative plan.

Public Comment:

Phoebe Drown, 439 Prospect Street, stated this is all confusing to her. She has some concerns about the brook itself. She feels there is no way to develop the site with out moving the land around. She feels the state should be in on this too.

Mary Davis continued the Public Hearing to the July 1, 2009 meeting.

A site walk was later scheduled for June 15, 2009 at 5:30 P.M.

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
June 3, 2009**

Mary Davis called this Regular meeting to order at 6:02 PM with the following in attendance:

MEMBERS:

Mary Davis, Chair
Joseph Bakstis, Vice Chair
Sally MacKenzie, Secretary
Lars Johnson, alternate
Jeff Hayden

OTHER:

Keith Rosenfeld, Town Planner, WEO
James Stewart, Boro Engineer
Wayne Zirolli, Asst Boro Engineer
Rachel Brainard, Secretary

1. Mary Davis took attendance, she noted there was a quorum and opened the meeting with the Pledge of Allegiance.
2. No executive session.

3. OLD BUSINESS

- A. Commission discussion/decision for a proposed Industrial Park (IW #09-01) located on Prospect St. Applicant: Capital Heavy Hauling.
This item was continued to the July 1, 2009 meeting.
- B. Commission discussion/decision for Fulling Mill Brook Commons (IW#09-03) for property located on Prospect Street. Applicant: Onsi Tawadros.
This item was continued to the July 1, 2009 meeting.
- C. Commission discussion/decision for a lot line revision (IW#09-02) for property located on Woodcrest Drive and Florence Street. Applicant: Progressive Business Development.
Joseph Bakstis recused himself from the meeting. Attorney Dlugokecki stated that at the last meeting Commissioner Davis asked the applicant to move the detention basin upland. In their latest plan revision dated June 1, 2009 they brought it further upland by 10 feet and elongated it. The diversion swale is also shown more prominent on the plans. He noted they received approval from fire, police and the street superintendant. Attorney Dlugokecki said pertaining to Roman Mrozinski's comment on the 5th building lot that it is a site specific issue and will be addressed when the lot is developed. Keith Rosenfeld handed the Commission his final report. Mary Davis stated that she wanted a condition that would reduce the upslope disturbance and to eliminate that 5th building lot. Jim Stewart said the lot could be redesigned if the driveway turn around was taken out and a retaining wall put in. He said they could make a condition that the lot not be developed until the road and detention basin is stabilized. Jeff Hayden and

Sally MacKenzie agreed with Jim. Mary Davis said another condition could be that nothing be cut down. The Commission discussed alternative conditions for the application. Mary Davis said she would like a conservation easement along the trees in the 50 ft area where there will not be any disturbance. Attorney Dlugokecki said that was the desire of the applicant as well.

VOTED: Unanimously on a motion by Lars Johnson and seconded by Sally MacKenzie to **APPROVE** the inland wetland application for a lot line revision (IW#09-02) for property located on Woodcrest Drive and Florence Street.

Applicant: Progressive Business Development with the following conditions:

1. Geo-textile membranes should be employed on any slope 2:1 or greater to reduce land disturbances on the steep slopes that have a severe erosion hazard potential caused by the presence of underlying bedrock located in the area.
2. Place slope designations on the plan and provide additional sediment and erosion controls and a detailed maintenance schedule for soils located on the property with an "E" designation for slope steepness.
3. All sediment and erosion controls should adhere to the 2002 CT Guidelines for Soil Erosion and Sediment Controls for the use, installation and maintenance of measures utilized on the site.
4. As that the SSP (Stone Slope Protection) proposed for the detention pond and west side of the turn a round is lacking and falls short in its ability to stabilize these steep slopes, applicant shall provide additional riprap and sub grade preparation measures. All slope paving will be limited to a 1.2 to 1 ratio.
5. Provide notation on plan that erosion control blankets will be installed immediately to stabilize exposed soils and finished grades in and around all slopes exceeding 2:1.
6. The diversion swale shall be moved up grade approximately 40 feet away from wetlands and extended behind Lot 17.
7. Grading will be eliminated within 50 feet of wetlands behind house shown on the "un-numbered" lot and a retaining wall will be constructed, as approved by the Borough Engineer.
8. All lots, roadway and storm water detention facilities (pond and swales) will be constructed and stabilized before "un-numbered" lot is developed, as approved by the Borough Engineer.

9. Prior to the creation of the street, driveway or other impervious surface area created, the applicant shall construct and make functional all storm water drainage improvements.
10. Prior to the commencement of any site work, the applicant shall notify the Wetlands Enforcement Officer and ZEO, to ensure the installation of the required erosion and sedimentation controls.
11. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored (temporarily) within fifty feet of an inland wetland or watercourse.
12. All regulated wetlands soil areas as well as upland review areas are to be documented as conservation easements and recorded in the Naugatuck Land Records.
13. Prior to the receipt of a building permit, all Inland Wetland Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck.
14. Prior to the commencement of any site clearing and pre-construction phase, applicant shall demarcate the edge of disturbance limits in the field.
15. Prior to the receipt of a building permit, a Sediment and Erosion Control Bond shall be submitted to Borough of Naugatuck, as recommended by the Borough Engineer.

At this point Joseph Bakstis returned to the Regular Meeting.
Mary Davis called for a 5 minute break at 9:55 P.M.

- D.** Commission discussion/decision for a proposed office building (IW#09-04) for property located on Lot 3 Great Hill Road. Applicant: Bethline Associates LLC. Keith Rosenfeld stated the office has received letters from the following interveners: Alan Thompson, 100 East Waterbury Road; Fred Sego, 162 East Waterbury Road; Martin Warren, 120 East Waterbury Road; David Buck, 154 East Waterbury Road; Tamra French, 154 East Waterbury Road; and Hector Irizarry, 105 Union City Road. He gave each intervener a copy of the South West Conservation District report. Ted Crawford, engineer from Milone and McBroom gave the history of the application. He handed the Commission revised plans addressing the SWCD comments. He submitted a letter requesting an extension. Some of the changes made to the plans consisted of additional trees per the Borough engineers request, the additional notes on the plans, notation regarding the storage of hazardous materials, and the changes to processing notes. Mary Davis handed out copies of the PPD guidelines to the Commission. Mr. Crawford went through the letter from SWCD. He noted that attached to the plans is a map of the Aquifer Protection Area which they are well out of. He stated the soil types have been identified and they clarified the note for the hazardous material during

construction at Roman Mrozinski recommendation. Joseph Bakstis noted a comment from Mr. Mrozinski regarding sediment and erosion control on sites with resource limitations and modifying sites. He stated it was his understanding that if they are proposing to remove 56,000 cubic yards of material they will be doing exactly what Roman says they shouldn't do. Ted Crawford stated they are removing slightly less; they are removing 49,000 cubic yards. Mary Davis stated Mr. Mrozinski said 56,000 and that Mr. Crawford missed some of it and they didn't do the calculations for the foundation. Ted Crawford disagreed with her and stated his calculations were correct. He told the Commission this is an existing lot since the 1980's. He noted the proposed building is a lot smaller than what it could be. He said they have matched the grades to the North and West. The most significant cuts are on the small basin. They looked at the property several different ways and the proposed has the least amount of impact with the placement of the current building. Mary Davis read from the PPD information she passed out. Joseph Bakstis said they are changing the topography to accommodate the building. Jim Stewart noted that the area was made to be developed. Ted Crawford stated they received a positive referral from the Planning Commission. Mary Davis said they are attempting to knock the site down to what they want it to be.

Hector Irizarry, 105 Union City Road, stated a lot of the pond is on his property. He said there is nothing to catch the sand and sediment that runs into the pond. He noted the surrounding areas all drain into the pond. There are trees that have fallen into the pond on all sides. The pond was supposed to be dredged with grant money given to the Borough. He feels the pond is deteriorating. He feels this existing problem should be addressed. He is concerned this development will further damage the pond. Ted Crawford stated the property is located just to the east of the pond. The drainage from the site will go to Union City Road then discharge to the south to Route 68. They have directed all the water to drain into the basins. He said he will have to review the boundary on the pond and stated during the property search an access easement was found and he believes it is on their property.

Martin Warren, 120 East Waterbury Road, is disturbed that the Borough Engineer and Town Planner said these were perfect plans. To excavate 56,000 cubic yards of material will impact many things. He read from the State Statues. He said there is no way they will not impact the wetlands. He believes a different approach could be made. He wanted to know if alternate plans have been reviewed. He said there is a problem when you have only 4 acres and 3 detention ponds. He said the proposed deep cuts and types of soil disturb him. He wants a balance and feels it's feasible with less impact to the wetlands. He said that 20,000 sq ft is a large office building.

David Buck, 154 East Waterbury Road, stated that according to their plans his well is on their property. There seems to be a property discrepancy. He said that his property line is 7 feet from the house. He asked what would happen to his well if the lot is cut. He asked if it would dry up. He talked about a heavy rain storm that flooded his yard and washed out his driveway. He stated his concern of the stagnant water in the detention pond. Ted Crawford stated they are

proposing dry bottom ponds. David Buck mentioned there is a lot of wildlife on that lot.

James Warren Sr., Union City Road, said he is not an intervener but asked if he could speak. Mary Davis said yes. He said that the drainage is terrible from the industrial park. He noted that most of the businesses up there did not have to take any material out.

Ted Crawford stated that in the event the basin is not dry they would have a sock drain. They have no intention of leaving a wet bottom. Concerning the boundary line, he stated the map matches what's on file with the town, but the applicant has the intention to release it to Mr. Buck if the application is approved. He stated there are no impacts to the wetlands, only a small impact with in the 100 ft buffer for the parking lot area. He said they did create several alternatives, but this was the best. Mary Davis asked if they would consider an alternate plan by not taking out all that fill and having the building raised, by trying to work with the topography. Joseph Bakstis asked why they intend to build the building into the hill. Mr. Crawford said if they did not then they would have to disturb more area. Jim Stewart said the back of the building acts as a retaining wall to keep the soil on the property. Ted Crawford said they are not cutting adjacent to the wetlands, and they are providing a natural berm. He stated they will explore alternative site plans. He noted that it is impossible to develop the site without excavating some material. Mary Davis asked Keith to get clarification from the Zoning Commission of the intent of the PDD regulations.

Martin Warren said he is very concerned about the wells in the area. They are all shallow. He asked if they would be able to lift the elevation so not to dig the 3 detention ponds. Hector Irizarry asked why there was not a line on the plans showing his property line. Joseph Bakstis asked why not use underground piping around the perimeter rather than a catch basin. Ted Crawford said that the detention basins control the water runoff. James Warren Sr. stated the surrounding houses all have septic systems and asked what affect this development would have on them. Mr. Crawford stated they have contacted the health department on the leach field and per the health code systems they need to be contained on their own lots, but he will look into it further. Mary Davis asked Keith Rosenfeld to take Jeff Hayden out to the site to look at it.

- E.** Commission discussion/decision for IW violation regarding a detention pond with Pondsides Condominium Complex, Naugatuck, CT. Owners: DA Rich Company, LLC.

This item was kept on the agenda for July 1, 2009 meeting.

- F.** Commission discussion concerning activity at Gunntown Park. Mary Davis stated there was a May 19th letter from Mayor Mezzo which she read into the record stating work will stop on Gunntown Park. Keith Rosenfeld said they will be monitoring the site because of the pile of fill that is left there. Jim Stewart said they will topsoil the site in order to grow grass and then level the pile of fill. Mary Davis asked that this item stay on the agenda. Mr. Rosenfeld said the E&S controls are still maintained in proper fashion. Wayne Zerolli stated he

inspected the site after May 19th when the work was stopped and the E&S controls are in place and active. He said that everything was fine. Mary Davis said she wanted a report for next month's meeting. Keith Rosenfeld said that if the future plans vary from what was originally approved then the modified plans will have to come in front of this Commission.

4. NEW BUSINESS

- A. Commission acceptance of application (IW #09-05), for wetlands activities associated with the rehabilitation of JH Whittemore Bridge over Naugatuck River Maple Street. Applicant: Borough of Naugatuck.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **ADD** this application to the agenda.

Thomas Balsic, engineer, said he is assisting the Borough with the rehabilitation of the bridge which was constructed in the 1930's. He stated there is a significant amount of rehabilitation needed which was noted at its last inspection. There are repairs needed for the concrete and the areas that hold the granite facing. The under water inspections indicate that the bridge requires additional support. He noted that the water movement can undermine the bridge footings. He stated they need to install counter scower measures. There needs to be 4 to 4 1/2 ft of excavation. He noted the DEP requires 12 inches of natural substrate. They will need to obtain a permit from the Army Corp of Engineers as well as a DEP permit. There is also a fisheries review required from DEP in which they will receive official comments from them which will then be submitted to this Commission. Mr. Balsic stated they are proposing to do repairs from the side of the bridge down which will be regulated by DEP. He noted this repair work can only be done during the summer months during low flow. He said they will be using a cotter dam, or porta dam which is a system of stilts with membrane which he feels is a well established system.

A Public Hearing was set for August 5, 2009 at 6:00 P.M.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie the application (IW #09-05), for wetlands activities associated with the rehabilitation of JH Whittemore Bridge over Naugatuck River Maple Street. Applicant: Borough of Naugatuck is **SIGNIFICANT**.

5. CORRESPONDENCE

Keith Rosenfeld read a letter from Borough Engineer Jim Stewart into the record concerning activity scheduled for Parcel C and handed a copy to the Commission.

Mr. Rosenfeld told the Commission a letter was sent today to Roman Mrozinski of South West Conservation District concerning the rehabilitation of the JH Whittemore Bridge on Maple Avenue. Mary Davis thanked Keith for sending that. Mr. Rosenfeld gave the Commission a copy of the letter from Mayor Mezzo concerning this application.

5. WEO REPORT

Keith Rosenfeld presented each Commissioner with a copy of the newly created Commissioners Hand Book.

Keith Rosenfeld mentioned at last month's meeting Mary Davis asked him to look into the CACIWC membership. He spoke with the office manager, Allison Hurley, who told him for the remainder of this fiscal year we do not have the money in the budget, but after July 1st, the start of the new fiscal year we will pursue the membership. Mary Davis asked that she be notified when it is done.

Mary Davis called for a break at 6:25 P.M.

Keith Rosenfeld stated there is a woman on Rubber Avenue who is having flooding issues. She is asking to put a mound of soil to separate the brook from her home and would like the Commission's permission and input.

A site walk was scheduled for June 15, 2009 at 6:30 P.M.

6. **Review /Approval** of Minutes for April 8, 2009 Meeting and May 6, 2009 Meeting minutes.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** April 8, 2009 minutes with corrections.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** May 6, 2009 minutes with corrections.

7. **ADMINISTRATIVE BUSINESS**

8. **ADJOURNMENT**

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Jeff Hayden to **ADJOURN** the meeting at 11:50 P.M.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb

