

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING**

April 7, 2010

Commission Chair Mary Davis called this meeting to order at 6:02 P.M. with the following in attendance:

MEMBERS:

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

OTHER:

Keith Rosenfeld, Town Planner, WEO
Wayne Zirolli, Borough Engineer
Attorney Edward Fitzpatrick
Attorney N. Warren Hess
Sheryl Kimiecik, Secretary
Public 3

1. Commissioner Davis took attendance and noted there was a quorum. She opened the meeting with the Pledge of Allegiance.
2. **VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to enter into the executive session at 6:05 P.M. to meet with Borough Attorney Fitzpatrick. Keith Rosenfeld and Street Superintendent Robert Roland were invited in. The Commission exited executive session at 6:13 P.M.
3. There was no public comment.

PUBLIC HEARING

For wetlands activities associated with Paddock Ridge Subdivision, a proposed 13 lot subdivision (IW #09-09) located at the end of King Street, Applicant: Manuel N. and Carole J. Vieira. It was requested by the applicants via written letter to postpone the opening of the public hearing to the next meeting scheduled for May 5, 2010 at 6:00 P.M.

4. OLD BUSINESS

- A. Report from Borough Engineer regarding storm water/drainage issues located within the Union City Road neighborhood. Wayne Zirolli stated that nothing new has taken place, and that the next step would be to apply for a permit to remove the silt in the pond. He said that they installed a throttle to channel the water away and that it is working. He also said that they need to keep an eye on changing weather conditions and fix concerns over time to reduce incidents.

- B. Commission discussion/decision of proposed Naugatuck Commission Procedural Format. There was no discussion. Chair Mary Davis requested the item to be taken off agenda and the commission agreed.
- C. Commission discussion on Inland Wetland Violation for activities at 40 Trout Brook Drive, Barbara Sanders. Keith said that there has been no report of problems, and that the Borough did work on drainage. Wayne said the borough did work to unclog the catch basin and put new length of pipe in, and that the Sanders addressed some issues with their insurance company. Commissioner Davis asked Keith to go out to the property this week. Keith said he will go out this week and prepare a report as well as send a letter to the Sanders.
- D. Commission discussion/decision and determination of significant activity for regulated activities associated with Paddock Ridge Subdivision, a proposed 13 Lot subdivision (IW #09-09) located at the end of King Street, Applicant: Manuel N. and Carole J. Vieira. Keith recommended to the commission to wait for the report from the ERT in order to make a determination whether the activity is significant at the public hearing next month.

5. **NEW BUSINESS**

VOTED: Unanimously on a motion by Commissioner Davis to **ADD** item to the agenda regarding a drainage easement from the Borough of Naugatuck. Attorney Fitzpatrick addressed the commissioners on behalf of the Borough regarding a significant drainage issue in the Pleasant St. and Charles Street area to repair an existing pipe. Attorney Fitzpatrick presented pictures and explained that water drains down and into catch basins which have become clogged with sediment and debris from previous storms. He stated that many of the homeowners in the area have been affected by gushing water and debris that have flowed down. A discussion ensued between Attorney Fitzpatrick and the commissioners regarding the exact location of the problem. Attorney Fitzpatrick stated that the Borough would like to begin repairs as soon as possible to prevent significant future damage from occurring and asked for permission from the board to do this. Superintendent of Streets, Robert Roland, spoke to the commissioners and explained that the pipe will require periodic maintenance. Mr. Roland explained that the plan would include digging a small sump and to line the area with rock to reinforce the open channel of the brook. Keith explained that there is no plan to do anything to the brook itself and that they would just be doing work to the existing pipe to alleviate the pressure and remove sediment at the end of the pipe. Chair Mary Davis read 4.1.6 of the regulations and determined that the regulation fit the proposed plans. She then opened the floor to public comment. Arlene Macgregor of 43 Charles Street commented that there has been water erosion on her property over the past four years and stated that this year has been the worst and that she is concerned about the potential damage to her property. James Thornton of 356 Cherry Street commented that the past few weeks have been terrible and that he appreciates the

efforts being made. Chairwoman Davis called for a motion to vote on the plans that were accepted for the permitted use by the borough of Naugatuck.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to **APPROVE** the permitted use and the right of way of handling the repairs to the drainage pipe on Pleasant Avenue and the Borough of Naugatuck has provided a list of plans that will take place per section 4.1.6 of the Naugatuck Regulations.

- A.** Naugatuck River Walk - Proposed Linden Park and Breen Field Projects; Presentation by Joseph Savarese, Naugatuck River Watershed Association. Mr. Savarese presented a proposal to the commission to enhance the river walk particularly in the Linden Park area. Mr. Savarese mentioned that they have had assistance from groups such as the air force Junior ROTC, and prospective members like the Union City Beautification club, The Lions Club, and are looking to see if the Naugatuck Inland Wetlands Commission will get engaged in the project. Mr. Savarese introduced Bob Gregorski, President of the Naugatuck River Association. Mr. Gagorski presented plans to the commission including bird houses, various vegetation and beautification along the river walk. It was noted that there would be no machinery involved in the initial plans. The Commission agreed that these particular activities would not need a formal application other than having the organization work side by side with the Inland Wetlands office to make sure that it is done in an environmentally friendly way. Mr. Gregorski stated that this would be a Borough Sponsored activity because the liability insurance covers the volunteers. Joe Bakstis stated for the record that he would like the commission to be a sponsor.
- B.** Commission discussion/decision and determination of significant activity for regulated activities associated with the construction of a school bus facility (IW #10-01) located at the intersection of South Main and Hotchkiss Streets (Former Cam Motors Dealership); Applicant PAR Holdings LLC. A proposal was submitted by Scott Meyers, Professional Engineer and Land Surveyor, Meyers Associates PC, of 60 Linden St, Waterbury Ct. and Paul Simko, owner and Managing member of PAR. Mr. Meyers sated that the proposal would involve two buildings on site of the old Chevy Dealership and the parking lot associated with the two buildings. An application was submitted in February which did not call for any changes to the parking lot other than an expansion on the westerly side of the existing lot, and the resulting review from the borough engineer centered on drainage. A revised plan was submitted last week proposing catch basins for drainage and a berm along the existing bank oft the river to direct the runoff into catch basins and existing street drainage as well as the placement of a diesel storage tank for the school bus facility 100 feet from river. He stated there will be no clearing of vegetation. Joe Bakstis asked if the oil tank would be contained and Mr. Meyers replied yes, and mentioned that it has its own containment system. Commission Chair Mary Davis inquired about application fees and that it does not state on the application that the fees were paid. Keith responded that he would

provide a copy of the receipt. A discussion took place regarding the details of the placement of the fuel tank, the placement of a berm, and the drainage into the catch basins. Mr. Simko informed the commission that Napa Auto Parts will be going into the building next to the proposed bus facility. Mr. Paul Simko of 401 Hoop Pole Hill Rd, Woodbury Ct spoke and explained that he was partner and owner of the property with Robert Carlson; PAR stands for Paul and Robert. He stated he also owns the property across the street at 26 Hotchkiss St. He explained that there were previously thirteen test wells on the proposed bus facility property and the previous owner had testing done and removal of contaminated soil within the building. He explained that the State Of Connecticut Commercial Safety Division does conduct a safety inspection once a year of the facility and periodic inspection of the buses is done as well. He stated that the company that would be leasing the building would be the Student Transportation of America which is currently servicing the Naugatuck school systems, and that they conduct ninety day inspections which are written up and submitted and reviewed by the Department of Motor Vehicles. Mr Simko went on to explain that the refueling station must meet DEP standards including drums with sand and dry powder for spills and that there is a yard man who oversees all filling operations. Chair Mary Davis questioned the NAPA parking area and asked if the parking was combined for the whole piece of property and that it is really a combined application. Mr. Simko explained that NAPA is a permitted use as far as zoning. A discussion took place regarding the drainage and the pitch of the property. Wayne Zirolli stated that the berming they are doing is sufficient and that he had been out to the site and there will be two four foot sumps with hoods so that any possible oils that might come off the site would be held in the sumps. Sally asked if the river walk would be part of this property. Keith responded that he would have to check into it but that there were plans to seek easement on this property. Mary Davis noted that this can't be considered at this time. Chair Mary Davis requested that a site walk be conducted. After discussion, the site walk was scheduled for Thursday April 22nd at 5:30 P.M. Chair Mary Davis called for a motion.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to declare the School Bus Facility (IW # 10-01) PAR Holdings, LLC a significant activity because of item 2.36.6 any activity which causes or has the potential to cause pollution to wetlands or a water course, and also because of the activities within 100 ft. of the review area. A public hearing was set to take place on Wednesday May 5th at 7:30 P.M.

- C. Commission discussion/decision on Inland Wetland Violation occurring at 815 Maple Hill Road, Naugatuck, CT involving trees being clear cut, land being disturbed and a pond being dug within wetlands and an intermittent watercourse without erosion controls as reported by the Assistant Wetlands Enforcement Officer, Owner: Matthew and Tracy DeBarber . No action.

- D. **VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to **ADD** item to the agenda regarding a permitted use of right that

includes agricultural uses and additions to farm lands under section 4.1.1 of the regulations. Mary Davis stated that the location was behind Gunntown Cemetery on the east side of Gunntown Rd. and read that the intentions of the residents, Matt and Jeni Wilmot, to build a new home on Gunntown Rd. The parcel being for themselves and family, they intend to farm the land by gardening and harvesting crops, keeping farm animals and possibly growing nursing crops, and they possibly plan to build a 30X40 barn to house farm equipment and vehicles and farming supplies. The commission reviewed section 4.1.1. of the Naugatuck Wetland Regulations. Keith explained that the proposed barn is within the 100 ft. regulated area but that the house is not. Chair Davis asked to see the plans which were then reviewed. Keith gave an explanation of the regulations and that Mr. Wilmot was not intending to use any of the wetlands, just the upland review area and that he believed it was in the best interest of the Borough to have Mr. Wilmot come to the commission regarding the barn in the upland review area. Keith suggested that the proper erosion controls be set up to prevent any material getting into the wetlands, and that the silt fence shown on the proposed plan for the house also be shown on the proposed plan for the barn.

VOTED: Unanimously with a motion by Joe Bakstis and seconded by Jeff Hayden to **APPROVE** as a right the applicants Matt and Jeni Wilmot to construct a barn in the regulated area per section 4.1.1 of the regulations, permitted use as a right for farming, with the conditions that soil erosion be put into place between the wetland and the barn.

VOTED: Unanimously with a motion by Sally MacKenzie and seconded by Jeff Hayden to **ADD** an informal discussion to the agenda regarding alternative uses to the already approved Country Farm Estates. Rolland Desrosiers presented to the commission plans for 85 lots which he stated were originally approved for 105 lots which were denied by the planning commission, went to court, and was finally settled to 85 lots. He stated that the 85 lots do not pay for the infrastructure for the main road from Rubber Ave to Andrew Mountain Rd. Plan layouts for the Grand Vista Meadows and Four Winds Estates were passed out to commissioners as well as an outline of municipal, residential and community benefits from the project. A discussion took place regarding the details of the project. Rolland stated that nothing is changing as far as drainage areas and that they just wanted to come before the commission before they proceed with all of the engineering details. Keith said that the question is does this plan differ from the original plan as far as wetlands activities. Rolland replied that is correct except that the original plan showed the activity 50 ft. from the wetlands and now the regulations have changed to 100 ft. and that if the commission does not absolutely want anything within 100 ft. that they will change this in the plans, but the road needs to remain as it was already approved. Jeff Hayden suggested that an overlay map be created to compare the changes in the plans. Rolland also asked the commission if they can dig out part of the wetland area and create a pond about 3 acres. Keith said that they would need to bring in experts to the commission with plans for a pond. Mary Davis stated that she would like them to keep the houses 100 ft. from the wetlands.

She asked Keith to talk to a town attorney in regard to a visual to compare the plans.

6. There was no correspondence.
7. There was no WEO report.
8. **VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Jeff Hayden to **APPROVE** the January 6, 2010 meeting minutes with corrections. The February minutes were tabled.

9. **ADMINISTRATIVE BUSINESS**

Chair Mary Davis asked the commission to review the Habitat newsletter to go over at the next meeting.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Jeff Hayden and seconded by Sally MacKenzie to **ADJOURN** the meeting at 9:06 P.M.

Respectfully Submitted

Sally MacKenzie, Secretary /sk

DRAFT

**INLAND AND WETLANDS COMMISSION
SHOW CAUSE HEARING
PROPERTY LOCATED AT 815 MAPLE HILL ROAD
OWNER: MATTHEW AND TRACY DEBARBER
April 7, 2010**

Commission Chair Mary Davis called this meeting to order at 5:36 P.M. with the following in attendance:

MEMBERS:

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

OTHER:

Keith Rosenfeld, Town Planner, WEO
Wayne Zirolli, Borough Engineer, absent
Steven S. Macary, ZEO
Sheryl Kimiecik, Secretary
Public, 7

Keith Rosenfeld explained that he received a call about a week and a half ago from a person in the area asking him to look at some cutting going on in the wetlands. Keith visited the site located at 815 Maple Hill Rd. and found tree cutting within wetlands. He saw the contractor/excavator working in the area at the time. Keith advised the contractor to stop, which he immediately did. Keith spoke to the owner Mr. DeBarber about the seriousness of the issue and Mr. DeBarber mentioned that he had communicated previously with Steve Macary about the ability to cut trees on his property. Keith advised Mr. DeBarber that he would be sending him a letter because it was within ten days of the commission meeting and that there would be a show cause hearing to allow Mr. DeBarber to get up before the commission to express his intentions. Keith advised Mr. DeBarber that what he was doing would require a permit. Keith asked Steve Macary to sign the violation letter to Mr. DeBarber as Steve, who first was contacted by Mr. DeBarber would be making sure this was carried out properly. Keith stated the purpose of this hearing today is to start a process to restore the area back to the wetland qualities that are not there now. Joe Bakstis asked for clarification on Steve's visits to the property. Keith clarified that Steve had only spoken to Mr. DeBarber on the phone. Steve stated that he spoke to Mr. DeBarber a few weeks before and that Mr. DeBarber said he wanted to cut some trees down. Steve told Mr. DeBarber to go ahead and cut the trees, but not to cut down more than one half acre, don't stump it, and if more than half an acre will be cut then a certified soil erosion plan would need to be submitted. Steve stated he had no clue that there were wetlands in that area and that he gave Mr. DeBarber the o.k. to cut the trees, and had he known that it was in a wetland area he would have had Mr. DeBarber come in to the office. Matthew Debarber of 815 Maple Hill Rd spoke to the commission. He stated he bought the property because he and his wife wanted some seclusion, and his goal has been to clear some of the dead wood on the property. He explained that the trees are past maturity, and that he has a friend that is a

forester that had looked at the property and noticed many of the trees are past maturity. He said that in the recent storms many of the trees broke off at the top and that he has seen kids in this area and is concerned about the falling trees. He also planned on taking some of the live trees on the property to take to a mill to cut up for his later use. He recounted that on March 12, 2010 he called the zoning office regarding permits needed to cut the trees and clear out the property. Steve Macary called back and inquired about any building plans, which Mr. DeBarber told him there were no building plans, and that he would just like to clear it up and do some plantings. He said he didn't plan on stumping anything, maybe there were a few stumps he would take out for a garden area, and that he would use them for a brush pile for wildlife, and that he would not go more than a half acre. He stated that on March 25, 2010 Mr. Rosenfeld came out to the property and told him to stop the cutting right now which he did. He had the lumber company come out and take the trees that he wanted but there are still twenty or ten trees left that he would like to take out. Mr. DeBarber stated to the commission that it wasn't his intention to do anything wrong and that he has a planting list to restore the land and enhance wild life on the property. He stated that he and his wife are both very involved with conservation organizations. Joe Bakstis asked what the purpose of the excavator was and Mr. DeBarber responded that he was only there to clean up the brush and haul the wood up the hill. He mentioned that Mary Davis had visited the property and that she had mentioned to him that he had built a damn. He said that it wasn't his intention to build a damn and that the water flow going in and out of the area is the same. He said that there was a mud hole and he submitted a picture to the commission. Mr. DeBarber continued to say that there is an area that is dug out and is holding water now and that he dealt with a company that sells pond liners that could be used to line it to create a watering hole for wildlife. Commission Chair Mary Davis stated that she visited the property and it looks like a bomb went off there and that the rain from this past week must have washed a lot of the earth down stream and that she saw a lot of disturbed earth on the property. She also stated to Mr. DeBarber that she was surprised that he didn't realize the property was in wetlands as there is a brook that runs through the property. Mr. DeBarber stated he called the zoning office to ask about a permit and that he also has the property deed that does not show any wetlands. Commissioner Davis responded that unfortunately Steve wasn't aware of the brook or any wetlands, and that wetlands are not always defined on a deed. She continued to say that now there is a regulation that says there can't be any disturbance without a permit within 100 feet of a wetland area. She suggested that the rest of the commission go on a site walk with Steve Macary as she had already visited the property. Site walks were then scheduled for Friday, April 9, 2010 at the convenience of each of the commissioners. Mary also asked Keith to check the hay bails on the property and to conduct a field inspection. The commission decided to continue the show cause hearing on May 5, 2010 at 5:30pm.