

**INLAND AND WETLANDS COMMISSION  
REGULAR MEETING  
June 2, 2010**

Commission Chair Mary Davis called this meeting to order at 6:12 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHER:**

Keith Rosenfeld, Town Planner, WEO  
Wayne Zirolli, Borough Engineer  
Attorney Edward Fitzpatrick  
Sheryl Kimiecik, Secretary  
Public 2

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 6:13 P.M. to meet with Borough Attorney Fitzpatrick regarding on-going litigation involving the Wetlands Commission for Manuel Preta. Keith Rosenfeld was invited in.

Commissioner Davis reconvened the regular meeting at 7:05 PM. At this time she asked to move to New Business, item number 5A on the agenda, Commission acceptance of application, discussion/decision and determination of significant activity for regulated activities associated with Paddock Ridge Subdivision, a proposed 13 lot subdivision (IW #10-03) located at the end of King Street, Applicant: Manuel N. and Carole J. Vieira

3. There was no public comment.

4. **OLD BUSINESS**

- A. Report from Borough Engineer regarding storm water/drainage issues located within the Union City Road neighborhood.  
Wayne said that the best thing would be to prepare an application for cleaning the outlet. He said that he discussed it with the Director of Public Works, Jim Stewart, and realized that in order to do that he needed to do a survey and draw up a graphic plan so that he can design proper measures such as deep sumps or an oil separator. He said as soon as he prepares the plans he will put together an application for the Commission to review.

**B. Commission discussion on Inland Wetland Violation for activities at 40 Trout Brook Drive, Barbara Sanders.**

Keith submitted the inspection report to the Commission. Ed Sanders of 40 Trout Brook Drive, Naugatuck, CT said that Keith had come out to the house. Keith said there have been two inspections, one on May 19<sup>th</sup> when Ed was not there and one today when he met with Mr. Sanders. He found the plants were dead, but not all of them. There is a lot of green and some are taking root. The problem is that there is not a lot of top soil on the site, and where there is no top soil there is less growth. He continued to say the plan was to follow Southwest Conservation suggestions of having physical controls such as the ply wood, tarps, sediment control fencing, and rocks along the edge of the bank which are all in place. He said the next phase is to apply top soil and get additional growth going. Keith's suggestion is to follow through with wood chips, landscaping mulch, top soil and seeding, with the plantings that are already there. Ed Sanders said that he wanted to make sure the rocks haven't moved before doing anything else. Mary Davis asked Keith if the rocks had moved. Keith replied that most definitely they haven't moved and nothing is washing off into the brook. Mr. Sanders asked if the violation was cancelled. Mary said no that he would have to wait until next month to make sure it is stabilized.

**D. Commission discussion/decision for regulated activities associated with the construction of a school bus facility (IW #10-01) located at the intersection of South Main and Hothchkiss Streets (Former Cam Motors Dealership); Applicant PAR Holdings, LLC.**

The Commission reviewed the information that was presented at the Public Hearing. Joe Bakstis said that the Separator is a better way to go. Commissioner Davis suggested that there be at least bi-annual maintenance. Joe asked Keith if there is a requirement for maintenance on all of the structures throughout the borough and Keith replied no. Joe asked if there could be a flag on the computer in the Land Use office when the inspections take place. Keith replied that yes, that is a great idea and something that could work. Wayne said that it has been talked about within other commissions and in the Engineering department, with the GIS department, and are currently working to finish the storm water and sewer system mapping and have delineated all of the available detention basins that we know about on those plans. The next step is to go through the records and identify the plans such as this that have separators and get those on the GIS and once that is in place we can insure that maintenance is done. Joe asked if the applicant, upon doing maintenance, must drop Keith a note. Keith read to the Commission the following list of suggested conditions; 1. Prior to the commencement of any site work, the applicant shall notify the Wetlands Enforcement Officer and ZEO, to ensure the installation for the required erosion and sedimentation controls. 2. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored (temporarily) within an inland wetland watercourse. 3. Prior to the creation of any impervious surface areas created, the applicant shall construct and make functional all storm water drainage

improvements. 4. Prior to the recording of the Special Permit in the Naugatuck Land Records (NLR), all Inland Wetland Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck. 5. The schedule of inspection and maintenance procedures regarding the required Hydroguard unit shall be part of the Special Permit documents recorded in the NLR. 6. Prior to the receipt of a building permit, a Sediment and Erosion Control Bond to include all storm water treatment facilities shall be submitted to Borough of Naugatuck, as recommended by the Borough Engineer. Keith then reminded the Commission that they need to make a finding because the activities associated with IW #10-01 were deemed significant, that a feasible and prudent alternative does not exist and state the reasons for the record, if it is approved. Commissioner Davis reviewed the criteria with the Commission. Wayne said that they have enhanced the site with drainage and it has moved in a positive direction. Mary asked if Wayne would give his seal of approval. Wayne said with the drainage and berms and the facility that is proposed he is satisfied with the plan.

**VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to approve the Inland Wetlands application for a school bus facility, IW#10-01, PAR Holdings, LLC, located at the intersection of South Main and Hotchkiss Street, formerly Cam Motors Dealership. Applicant: PAR Holdings, LLC. The approval is based on the fact that the Applicant has demonstrated to the Commission that he has provided reasonable measures which would mitigate the impacts of the regulated activity, prevent or minimize pollution, or other long term environmental damage, or will maintain or enhance the environmental quality of the area. Also, the applicant has clearly demonstrated to the Commission that the proposed construction will not have any lasting negative effects on wetlands and watercourses outside the area for which the activity is proposed. Also, the applicant has complied with the intent of the regulations by offering a plan which has minimal wetland impacts. The Commission Approval is subject to the following project special conditions:

1. 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.
2. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored (temporarily) within an inland wetland or watercourse.
3. Prior to the creation of any impervious surface areas created, the applicant shall construct and make functional all storm water drainage improvements.
4. Prior to the recording of the Special Permit in the Naugatuck Land Records (NLR), all Inland Wetland Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck.

5. The schedule of inspection and maintenance procedures regarding the required Hydroguard unit shall be part of the Special Permit documents recorded in the NLR.
6. Prior to the receipt of a building permit, a Sediment and Erosion Control Bond to include all storm water treatment facilities shall be submitted to Borough of Naugatuck, as recommended by the Borough Engineer.

The applicant shall create a depression in the area where trucks are fueled, and the depression should be greater than the size of the largest vehicle that would be fueled there, approximately four to five inches deep, and can be constructed from asphalt. In addition to maintaining the drainage structures bi-annually, after each inspection a simple note shall be sent to the Land Use Office stating that the inspection was performed.

Keith said that a determination should be made declaring it a significant activity. Mary Davis said that the motion needed to be amended to include a finding because the activity was deemed a significant activity. She said that the impact of the proposed regulated activity will not interfere with the safety and health, and with the reasonable use of the property, and will not have a negative impact to the existing storm water drainage systems in the area. Joe Bakstis also added to the motion that a reasonable and prudent alternative does not exist.

At this time Commissioner Davis called for a five minute break and reconvened the regular meeting at 9:35 P.M.

- E. Commission discussion/decision and determination of significant activity for regulated activities associated with a Special Permit for a Conservation Area located on Gunntown Rd., IW (#10-02); Applicant: Borough of Naugatuck Attorney Edward Fitzpatrick representing the Borough of Naugatuck said that the property consists of 39.33 acres and as was mentioned last time the proposal for this park requires a special permit application pursuant to the regulations. He said that they have presented the plan and are seeking approval for the plan consisting of only walking trails through several wetlands areas. Mr. Fitzpatrick read from the June 2, 2010 Wetlands Enforcement Officers report stating that the plan does provide maximum sensibility to the property from a conservation and environmental point of view and takes into effect the natural resources. He continued to say that as the Borough Boards directive was that the property not be used for active recreational purposes this goes hand in hand with a strong conservational approach to this property. Mr. Fitzpatrick said that one of the interesting aspects of the park is that for each area there is little impact on areas on which the traffic is rooted and that it will be a very light impact and as minor as can possibly be on wetlands. He said that they may have to grade areas from the parking lot to allow for people in wheelchairs. Commissioner Davis asked how much access handicapped individuals would have and how extensive does it have to be as far as open space. Wayne said that they want to make sure that they have a

turn out area for buses and they took advantage of that turn out area to extend it over to the existing stone path that is there. He said other than the turn out area and the access area from the parking lot to the conservation area those are the only two spots that they can insure are handicap access. Mr. Fitzpatrick said that the Chairman of the Park and Recreation Department really wanted to ensure that the handicapped would at least be able to come to some different parts and he thinks that there is a nice balance achieved in the planning. He continued to say that the management would be taken care of by the Parks and Recreation department and that a Porta-Potty would be placed in the parking lot. Mr. Fitzpatrick continued to say that the Borough Board has declared that this property will stay for a twenty-five year period to let the next generation look at it again and make their own decisions. Wayne explained the circled areas on the map to the Commission. Mary Davis said that years ago there was a Kingsmark study done on this and it might be good idea to look at that again. A discussion took place regarding the previous study and Commissioner Davis asked Keith to go through the study. Keith said that the original plan that the study was done for was very different than the current plan. He continued to say that the only new wetland impact that is being proposed now is the small trail off the parking lot. Commissioner Davis asked if the trail would be gravel. Keith replied that it wouldn't be of any material, but that it would be cut vegetation and that it would be created by people walking on it and the ground getting compacted. Lars asked if anything will be put in place over wet swampy walking areas. Wayne responded that the crossings do have some existing stones and if it became necessary to put something in place they would have to come before the Commission again. Lars asked what the plans for maintenance and security are. Mr. Fitzpatrick said that it would be the Park Commission and Police Department. Wayne said that there will be a steel gate across the entrance to the parking area. Lars asked when the park would be open. Mr. Fitzpatrick answered that he didn't know the answer but they are ready to go once the approvals are granted. Mary Davis asked for an explanation of the Parks Department and Police Department bringing in trucks. Wayne said that there wouldn't be big trucks. Mary asked about mowing and how the Park Department would know where the wetlands are. Wayne said that there are flags, that it is well defined, and that the only maintenance they would be doing is mowing. Mary said that it should be re-flagged so that they know where the wetland areas are. Mr. Fitzpatrick said that the wetlands will be identified by signage as part of the plan. Commissioner Davis said it should be re-flagged so that it can be marked. Mr. Fitzpatrick said that one goal is that it can be an educational opportunity where the students will be able to identify the wetlands habitats. Mary Davis said that its not only students that need the signage but anyone who goes up there.

**VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Sally Mackenzie to declare regulated activities associated with a Special Permit for a Conservation Area located on Gunntown Rd., IW (#10-02); Applicant: Borough of Naugatuck are **NOT SIGNIFICANT**.

- F. Commission discussion/decision per section 4.1.1 of the regulations, permitted use as a right for farming, 774 Andrew Mountain Rd; Applicants Darren and Karrie Higgins.

Keith referred to a letter to be sent to the Higgins that he had submitted to the Commission. Mary Davis suggested that the letter be amended to come from the Commission, and the Commission agreed on the letter.

## 5. NEW BUSINESS

- A. Commission acceptance of application, discussion/decision and determination of significant activity for regulated activities associated with Paddock Ridge Subdivision, a proposed 13 Lot subdivision (IW #10-03) located at the end of King Street, Applicant: Manuel N. and Carole J. Vieira

Keith said that essentially this is the same application as before and it is here because of a glitch in the notification process. The public hearing should not have been opened because the notification of adjacent property owners was not made, so the applicant has withdrawn the application and submitted a new application with new fees and would like to use the original plans as well as the ERT, Kingsmark study. Keith said that his recommendation would be to declare it a significant activity, set a public hearing for July, and make a finding that all of the information in the previous application be placed in the new file. Commissioner Davis asked if the letters had been sent out to the abutting property owners. Keith replied that they need to be sent out between ten and fifteen days ahead of the Public Hearing date. Mr. Vieira said that a site walk would also need to be set up. Keith explained that at the public hearing they will set the site walk as part of the Public Hearing process. Mr. Vieira asked if he could receive a copy of the Public Hearing Notice. Keith replied yes, it will be prepared within the next few days. Mr. Preta asked when the registered letters would need to be mailed out. Keith replied within ten to fifteen days before the Public Hearing. Commissioner Davis said that the Commission would then be using all of the old information to be considered for this application and asked for proof that the new fees were paid. Keith said that the fees were paid and the receipts just have not been put in the file yet. Commissioner Davis asked for copies of the new application and paid fees.

**VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Lars Johnson that regulated activities associated with Paddock Ridge Subdivision, a proposed 13 Lot subdivision (IW #10-03) located at the end of King Street, Applicant: Manuel N. and Carole J. Vieira are **SIGNIFICANT**.

The Commission set the Public Hearing for July 7, 2010 at 6:30 P.M.

At this time the Commission jumped to Old Business item E., Commission discussion/decision and determination of significant activity for regulated activities associated with a Special Permit for a Conservation Area located on Gunntown Rd., IW (#10-02); Applicant: Borough of Naugatuck

B. Additional items require a 2/3 vote, no new items were added.

6. **CORRESPONDENCE**

There was no correspondence.

7. **WEO REPORT**

A. 35 Main Street, Ingrid Sileo

Keith said that he received a report which made him go visit the property. He did an inspection and immediately called Mrs. Sileo and asked her to take the sand out. She contacted Tom Lawlor, a local contractor, who Keith met with and together they devised a plan to place sedimentation controls at the base of the slope, remove the sand, and put down seed and mulch which they did. Sally said that they did a nice job.

B. 850 Rubber Avenue, Manuel Preta

Keith referred to a letter that was sent out on May 20<sup>th</sup>. He said that they have fourteen days to complete the task and if it is not completed then a show cause hearing will need to be set. Mary noted that a hearing should have been set to begin with. Keith said that he is speaking with the Fire Marshall to inspect the containers to determine if he feels that they are hazardous. Sally asked if that included what is in the trailer. Keith said that he could send out another correspondence to Mr. Preta asking him to reveal the contents of the trailer asking him to do it immediately.

8. **VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Lars Johnson to **APPROVE** the May 5, 2010 meeting minutes.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to **APPROVE** the May 17, 2010 Special Meeting minutes with corrections.

The April 7, 2010 Show Cause Hearing minutes were tabled to the next meeting.

9. **ADMINISTRATIVE BUSINESS**

There was no Administrative Business.

10. **ADJOURNMENT**

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to **ADJOURN** the meeting at 9:49 P.M.

Respectfully Submitted

Sally MacKenzie, Secretary /sk

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**INLAND AND WETLANDS COMMISSION  
CONTINUED SHOW CAUSE HEARING  
PROPERTY LOCATED AT 815 MAPLE HILL ROAD  
OWNER: MATTHEW AND TRACY DEBARBER  
June 2, 2010**

Commission Chair Mary Davis called this Continued Show Cause hearing to order at 5:40 P.M. with the following in attendance:

**MEMBERS:**

Mary Davis, Chair  
Joseph Bakstis, Vice Chair  
Sally MacKenzie, Secretary,  
Jeff Hayden, Absent  
Lars Johnson, Alternate, Arrived at 6:02 PM

**OTHER:**

Keith Rosenfeld, Town Planner, WEO  
Wayne Zirolli, Borough Engineer  
Sheryl Kimiecik, Secretary  
Public, 2

Commissioner Davis took attendance and noted there was a quorum. She noted that Keith had submitted a letter to the Commission stating that no activities had taken place. Keith acknowledged the letter and that he had visited the property recently. Attorney Donald Zehnder Jr., representing Mathew and Tracy DeBarber, spoke to the Commission. He acknowledged John Fanotto, a licensed Surveyor and Engineer from Seymour, Ct., and said that they had been working with the DeBarbers to maximize the clean up of the site. Last week on the 27<sup>th</sup> they met with Keith Rosenfeld and Steve MaCary, going over some suggestions. Mr. Zehnder said that they walked the site and it is obviously a mess and has to be cleaned up. He continued to say that one of their suggestions was that John Fanotto write up a step by step narrative as to what the DeBarbers can do and then call for an inspection by Keith to make sure it is in compliance with the construction sequence which hopefully the Commission approves. Mr. Zehnder said right now the DeBarbers have 125 plants ready to be planted to stabilize the area. John Fanotto, registered professional Engineer and Land Surveyor of 45 North Street, Seymour, CT., spoke to the Commission and explained how a detailed step by step construction sequence would take place. Inspections would be done for each point before proceeding to the next step, to be done during the dry part of the year. He continued to outline the proposal saying that the first step would be to install detailed erosion controls with a stone check dam coming into the pond and a stone check dam coming out of the pond, then cleaning the piles of brush and debris, with inspections after each step is completed, with inspection check lists presented to the commission. The final step would be the plantings. Mr. Fanotto said that he could get the narrative to the Commission within a few days and after the Commissions approval they could get started. Joe Bakstis said that it was his understanding that there would be a plan before the Commission tonight and that he didn't expect to hear a verbal narrative, he expected to see a plan. Attorney Zehnder replied that the letter they received from Keith asked for a site plan which would be extensive and would take months to complete. Commissioner Davis said that the Commission also had asked for a professional soil scientist to lay out a plan. She said that a letter had been sent to the Southwest District to have Roman Mrozinski review the site and give his suggestions and that anything the Commission approves would need to

have Southwest look at it. John Fanotto said that Roman does not meet expert standards. Commissioner Davis said that as a Commission they do not agree with that. Mr. Fanotto said that he (Roman) has an unprofessional standing and that if someone else reviewed it that would be fine. Mary replied that Southwest District was going to review it. Joe Bakstis said that they could hire a soil scientist and bring them before the Commission. Mr. Fanotto asked what the Commission would like to see from the soil scientist. Joe Bakstis said that the area hasn't even been flagged. Mr. Fanotto replied that they are trying to get the site stabilized as soon as possible, to get a soil scientist to flag the site would take time, and the end result would be the same. Wayne Zirolli commented that it might be possible for the Commission, if in association with a narrative rather than a detailed site plan, that a sketch plan be prepared of the pond and where the plantings would be going. Mary asked about the pond. Mr. DeBarber said that there was a pond there. Mary replied that there wasn't a pond and that it had been created. Mr. DeBarber said that he never made a pond, that there was already one there when they bought the property, and that he handed the Commission an aerial map of the site for the record the first time they came before the Commission that shows the pond. Mary asked Keith if there was a pond showing on it. Keith replied that he believed they stated that there was a pond on the site there previously. Joe Bakstis said that Mr. DeBarber had claimed that he talked to people about pond liners that he was going to install in the pond that he was building. Mr. DeBarber said that he had stated to the Commission that there was a pond there that dries up. Mary replied that Mr. DeBarber had stated that there was a brook that dries up and that he did not ever say that there was a pond there. Mr. DeBarber referred to the aerial map that was previously submitted and the discussion continued regarding the question of the pond. Commissioner Davis said that she did not remember getting the aerial map. Keith said that it had been presented at the meeting. Commissioner Davis said that they would have to prove that there was a pond there and a soil scientist would be needed. A discussion took place regarding a soil scientist and the options of the DeBarbers hiring a soil scientist or using Southwest District which would be free. Sally said that it has been two months of meetings, this being the third, and there still isn't anything on paper to present to the Commission. Mr. DeBarber said that he had something prepared the first meeting but the Commission did not want it and that it was his understanding that a plan would be something involving building a building which he is not doing. Mary Davis replied that Mr. DeBarber didn't understand and that anyone that comes before the Commission needs an application and a plan. Mrs. DeBarber said that it wasn't fully explained to them and that it was in a certified letter which they didn't receive when they were supposed to. Keith replied that the certified letter was sent out on March 25, 2010. Mr. DeBarber said that had he known that it was going to be this involved he never would have done anything and he doesn't have the money to do this. Chair Davis then asked what their problem was with having Southwest Conservation District do a plan for them for nothing. Joe Bakstis said that Mrs. DeBarber came to the last meeting and said that she would have a plan to present at this meeting. Mr. Fanotto responded that they are trying to correct a violation which is the same thing the Commission is proposing. Sally said the difference is that there is nothing in writing to look at. Joe said that they don't have to use Roman from Southwest, just to give the Commission a list of soil scientists for the Commission to approve one of them to go out, flag the area, and give a soil report on the wetlands, which is what the Commission

requires every time there is an application. Mr. Fanotto said that Roman is not a soil scientist and does not have any professional expertise. Mary Davis stated that she disagreed. Mr. Fanotto said that he is offering to do the same report that Roman would do and get it done as quickly as possible. A discussion took place regarding what the report should include. Mr. DeBarber asked what the Commission would approve of to prove that a pond was on the property. Chair Davis replied that it would be on the land use records. John replied that it would not be on the land use records. The discussion continued regarding the pond. Lars arrived at this time and Commissioner Davis explained to him that she does not understand their objection to having Southwest give a report and that they feel he is not qualified. Mr. Fanotto said that he takes that seriously not jokingly. Mary apologized but said that she finds it almost laughable. The discussion continued regarding the difference between hiring a soil scientist and having Roman from Southwest Conservation District prepare a report. Sally asked if there was an application before the Commission. Commissioner Davis replied that no, there is not. Wayne Zirolli asked, as a point of clarification, if the DeBarbers were to employ Roman's services, would they still need a plan. Mary Davis said that they would still need a plan for the Commission to look at, and Roman would have to review the plan as well. Wayne continued, to clarify, that the DeBarbers still would have needed an engineer and this is a fact finding meeting for their engineer since there is not an active application. Joe asked Keith if the area had been stabilized, and Keith replied yes. Mr. DeBarber asked if Roman does a plan and his recommendations are that a soil scientist is needed, then does he need to get one. Mary Davis replied that if he (Roman) recommended it the Commission would take it into consideration, but it would depend on what he gives in his report. Mr. DeBarber stated that he felt that he was getting bullied because he called up the town and spoke to Mr. MaCary who told him what he could do and Mr. DeBarber did exactly what he said. Joe said that Mr. DeBarber had an excavator and that he was told not to stump which he did. Mr. DeBarber responded that he had to get an excavator to carry out the trees and he did not stump them, and he asked Keith if there were any stumps. Keith replied that there are a majority of stumps remaining. Mr. DeBarber asked if he saw them on the pile of wood and Keith replied that they were on the pile. Commissioner Davis said that Mr. DeBarbers attorney should agree that ignorance isn't an excuse for the law, and that the Commission expected more at the hearing tonight, and that they also didn't think that there was going to be a problem with using Southwest. Joe said that they need an application. Commissioner Davis said that they need an application and a plan. The hearing was continued to July 7, 2010.

**INLAND AND WETLANDS COMMISSION  
PUBLIC HEARING FOR  
SCHOOL BUS FACILITY (IW#10-01) PAR HOLDINGS, LLC  
PROPERTY LOCATED AT INTERSECTION OF MAIN AND  
HOTCHKISS STREETS; APPLICANT PAR HOLDINGS, LLC  
MAY 5, 2010**

Commission Chair Mary Davis called this Public Hearing to order at 8:06 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHER:**

Keith Rosenfeld, Town Planner, WEO  
Wayne Zirolli, Borough Engineer, absent  
Sheryl Kimiecik, Secretary  
Public, 1

Scott Meyers, PE, LS of Meyers Associates, PC, of 60 Linden Street, Waterbury, CT., spoke to the Commission on behalf of PAR Holdings, LLC. He said that they had received the report from the Southwest Conservation District and the only change to the plans that were made was to add a hydrodynamic separator. He said that they had followed Roman's report from Southwest and contacted the DEP and are aware that they will need to get local approval first and then submit a form to the DEP. He continued to say that the next part of the report noted the earthen berm, suggesting a swale along the easterly side of the berm. Mr. Meyers said that they were actually trying to take the drainage away from that area and felt that their plan of using a storm system with catch basins is better. He explained two options that Roman recommended, the first one being the Hydrodynamic Separator and noted the specifications included with the plans. He said the second option was a sand filter which they decided against because it would take up too much area. The second reason, he continued, is that the Greenway may be put in that area and then the bio-retention facility would need to be relocated. Mr. Meyers said that as far as Romans other comments, they are planning on enhancing and improving the site with the berm and plantings. Joe asked about the fueling depot area. Mr. Meyers said that the 10,000 gallon tank is a double wall tank with its own secondary containment through the concrete wall and an alarm system, and there is a maintenance guy that is specially trained that takes care of the fueling of the buses. The only thing that could happen is an accident while fueling the buses. Mr. Meyers said the storm drainage system, the hydrodynamic separator, should be sized to be able to handle a spill while fueling and if a spill should occur, it will flow through the catch basins into the separator, and the Fire Department will come with their spill kits. Joe said that he didn't think Mr. Meyers had addressed what was in the Southwest report regarding this. Terry Meyers, PE, LS of Meyers Associates, PC, replied that he has done about twenty different oil facilities and even though they have storage tanks in the event of an individual spill the shut off will kick in. He said that in the report he thinks what Roman was talking about was a berm around the tank, but in all the years of his experience there has never been a

problem with facilities requiring a berm. Joe said that he wasn't questioning the structure of the tank, however the concern is about this one on the river. Terry said that the spill would go back through the storm system and not into the river, first going through the catch basins and sumps and then in through the particle separator. Lars said that coming from private industry what they like to see done is a low point where the vehicle being fueled is on an incline that leads to a sump and at the bottom of the sump is a pump going back into the tank. Terry said that they are already spending a lot of money doing everything they can to protect the site and that he talked to DEP who said that the fueling facility isn't a problem because of the way the tanks are set up. Commissioner Davis acknowledged that these set of plans are better than the first. Bob Carlson, Mr. Simco's partner, said that he has done many police stations and other municipals where they have self contained units. He explained that at gas stations there is a catch so that it stops automatically, and these units don't have this. Instead, he continued, they are programmed to however many gallons the bus holds and you have to physically hold it, there is no catch so you can't walk away from it. He continued to explain that if you were to drop it, it would stop, and the worst case would be maybe a 40-50 gallon discharge if someone were to just stand there holding it on because the pump would then automatically shut off. Wayne said that it doesn't show (on the map) that the filling area is a concrete pad, but having one such as at a gas station with a divot that forms a sort of mote around the edge would be adequate for catching an incidental spill. He continued that forming up the pad itself wouldn't be any more expensive than pouring the pad. Joe asked if the separator had to be maintained and cleaned periodically. Scott Meyers said it is annually and that it is in the maintenance plan to clean the catch basins bi-annually and the Separator would also be cleaned at the same time. A discussion took place regarding the oil tank. Mary asked if the reason for having the Separator instead of a sand filter is that the Greenway walk is an issue and the other issue is that it might take up more room than you want to give up for a retention facility. Terry Meyers replied that they would probably have to re-grade and repave the entire site. Mary asked if they would have to regrade and repave in order to put in the Separator. Terry replied no because they are putting the catch basins in at the low spots. Wayne said that with the Biofilter, metals and pollutants will build up and have a bio hazard, but the Separator will get maintained regularly. Lars asked if the oil separator that's already there was going to be an issue. Scott Meyers referred to the handout he had given the Commission from the STA. He said that they use a service twice yearly that comes and washes the buses and they have their own self contained mat and tanker truck so they wouldn't need to have a floor drain and oil separator in that bay. Commissioner Davis called for Public Comment. There was no Public Comment. Commissioner Davis asked the Commission if they should ask them for an extension. Terry Meyers replied they did not want to do an extension. He said that they had been waiting for Mr. Mrozinskis report and they just got it Thursday. Mary Davis said that it wasn't Mr. Mrozinskis fault because it wasn't sent out by Land Use in a timely fashion. Terry said that they have complied with all of his requirements and have answered all of the Commissions questions. Mary said that he was asked to send it out in February. Keith said that the application was received on February 17, 2010 and the request for Southwest was on March 22. Mary said that it takes four to six weeks to get their report. Keith said that four to six weeks would be April 22 and May 7, so it would be sometime around May 15 would be four to six weeks. Joe asked Wayne if

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there is anything else that needs to be added to the plan. Wayne said that he was satisfied with the oil separator and other than possibly adding a concrete pad with a mote he didn't see anything else and they have adequate information for the application. Mary asked if the catch basins would be regular catch basins or deep sumps with the hoods. Scott replied that the hoods are not needed anymore because of the Hydrodynamic Separator. Mary said that the Commission is not trying to cause due hardship they are just trying to protect the wetlands. Terry said that they have done everything they can to do that. Sally asked if they would be doing the concrete pad. Terry replied that if it is put into the decision they will do that. He said that there will already be a concrete pad under the tank and asked if they could just pave a curve instead of doing the concrete. Wayne said that having a low area would contain an incidental spill and as long as it is acceptable with DEP that would be fine. Paul Simco said that they don't want any pollution on the site, they have spent a good \$100,000 to clean the site and have been very pro-active and feel the plans will be good for the future. Chair Davis closed the Public Hearing.