

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING**

July 7, 2010

Commission Chair Mary Davis called this meeting to order at 6:15 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
Attorney Edward Fitzpatrick
Sheryl Kimiecik, Secretary
Public 7

1. Commissioner Davis took attendance, noted there was a quorum and appointed Lars Johnson a regular voting member. She opened the meeting with the Pledge of Allegiance.
2. Commissioner Davis noted that the subject of the executive session was not listed on the agenda and asked if notice had to be given in order to hold the executive session. Attorney Fitzpatrick responded that the Commission is always allowed to go into executive session but a vote would not be able to be taken and for the next meeting it would need to be put into the Agenda that the executive session was for pending litigation.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to enter into the executive session at 6:20 P.M. to meet with Borough Attorney Fitzpatrick regarding on-going litigation involving the Wetlands Commission for Manuel Preta.

Commissioner Davis reconvened the regular meeting at 7:04 PM.

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. There was no report.
- B. Commission discussion on Inland Wetland Violation for activities at 40 Trout Brook Drive, Barbara Sanders.

Keith said that he visited the property and saw that Ed Sanders had brought in top soil but that it hadn't been spread. Mr. Sanders said that the plants are in.

Commissioner Davis asked if the soil had been spread. Mr. Sanders replied that it had. Mary asked Keith if he saw it. Keith said he saw some of it. Mary asked Keith to provide written report for the next meeting. Keith said that a couple of days after it rains he will go out and give a report to the commission.

- C. Commission discussion/decision for regulated activities associated with the 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.

There was no discussion.

- D. 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 Commission had agreed that the activities were not significant and the design was approved as a very low impact conservation area. A map was submitted which included a planting schedule, showing of the conservation area and handicap access ramp. Attorney Fitzpatrick said that they are still waiting for the Police Commission. Mary referred to the report submitted by Keith that had been emailed to the Commission and asked who would do a tree inventory. Keith responded that Bob Roland, the Street Superintendent could identify the trees. Commissioner Davis said that they would need someone more qualified than that. A discussion took place about the tree inventory. Keith said that Bob Roland is the Borough Tree Warden and has experience. Attorney Fitzpatrick noted Keith's report said that prior to any construction the Wetlands and Zoning offices need to be notified. He continued to say that the Borough should certainly be held to, in his opinion higher standards, and he thinks the Borough is being held accountable. Commissioner Davis asked about the wetlands boundaries and noted that it is not flagged well. Keith said that he had suggested that the areas where the trails are should be marked. Mary asked about mowing near the wetlands. Keith replied that there wouldn't be any mowing near the wetlands, and that there will be signs along the trails. Attorney Fitzpatrick asked if there is a form. Keith said that they had an example but it was never approved. Attorney Fitzpatrick said that it would be nice to have a uniform sign.

VOTED unanimously on a motion by Joe Bakstis and seconded by Lars Johnson to approve the special permit for the Gunntown Rd. Conservation Area, Applicant Borough of Naugatuck, with the following project specific 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. Placards or signs shall be placed at suitable intervals along the edge of trails and or wetland boundary line delineating those regulated areas. Signs or placards shall be approved by the Wetlands Commission.
4. Before any construction takes place it is our recommendation to conduct a tree inventory to identify any species deemed significant. If necessary, trails can be adjusted in this location to accommodate their conservation. All species identified as injurious and located adjacent to the walking trails shall be removed.
5. Before any construction takes place it is our recommendation that a tree inventory must be done to identify any species deemed significant, and Lars also suggested that a document is required of the tree inventory, which were both added to the motion.

5. NEW BUSINESS

- A. Commission acceptance of application, discussion/decision and determination of significant activity for regulated activities associated with Grand Vista Meadow Active Adult Community (IW #10-04) located at the south side of Rubber Avenue Extension, Applicant: Cerignola, LLC

Keith said two items were lacking from the application. He said he would like to see a better narrative as to what the wetland impacts are and that a tax form is needed from the tax office. Attorney Matt Woermer, representing the applicant, asked to address the commission and said that he received a copy of the outstanding tax bills and they are from a sale of a piece of property that Cerignola does not own. He said that the purchaser he believes is required to pay the taxes and that the assessor has not caught up with the change in ownership. He requested that they are allowed to proceed forward with a proviso that if they can't resolve the issue with the assessor prior to the next meeting that they will pay it in full. Mary Davis said that Keith is supposed to explain to the applicant that taxes have to be paid. Mr. Woermer replied that it is not their tax bill. Mary asked if they knew that the taxes needed to be paid when they brought the application into the office. Mr. Woermer replied that they were aware of this. Mary asked Keith if he had explained that they needed a receipt from the tax office as part of the application. Keith replied that if one is not provided from the applicant then the staff go to the tax collector and retrieve that information, but there wasn't a receipt available because it couldn't be signed off due to the tax delinquency. He said he then called Roland and Attorney Woermer and faxed the tax bills to the attorney. Roland said that when Mr. D'Archangelo was going to develop the property between Osborne Rd and Nicole Drive in back of Walmart he had swapped some land for some of the land in the back and through the process he actually gave that land back, but the

assessors office never picked up that transaction. Commissioner Davis said that it seemed as though there could be an issue with the assessors office, and that they would need something from Jim Goggin that taxes have been paid. Mr. Woermer renewed his request to accept the application with the proviso that it is paid in full five days prior to the meeting. Sally said that a public hearing needs to be noticed long before five days. A discussion took place regarding the time requirements for a public hearing. The application was tabled until the next meeting. Commissioner Davis asked that the maps be sent up to Roman to look at.

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

6. **CORRESPONDENCE**

Keith read a letter written to Autohaus, 393 Rubber Ave, regarding a follow up to the violation that occurred in August 2007, into the record. He said that there has been no response from them. Sally said she thought that there were three trailers on the property. Lars said that it is all over-grown but that there is a third trailer there. Keith said that he thought that the Commission at the time didn't see that as a violation, and that it was not mentioned as part of the original discussion. He said that he could add it and give him a new letter. Commissioner Davis asked Keith to take a look at the trailer. Joe said that if there is no response from them by July 22, 2010 then give Keith the authority to put it on the agenda as a Show Cause Hearing for next month. Keith said that is what he will do.

7. **WEO REPORT**

- A. 850 Rubber Ave, Manuel Preta
No discussion.

- 8. **VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to **APPROVE** the April 7, 2010 Show Cause Hearing minutes with corrections.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Lars Johnson to **APPROVE** the June 2, 2010 meeting minutes with corrections.

9. **ADMINISTRATIVE BUSINESS**

Commissioner Davis asked if Keith had received an application for CACIWC to send money to them. Keith said that we haven't received the newsletter yet. Sally asked about the bridge on Rubber Avenue. Keith replied that they are taking off the original deck and shoring up the supports. Sally said that she didn't remember any of that in the discussion. Joe replied that it came out further on into the meeting about the deck being replaced.

DRAFT

10. ADJOURNMENT

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Lars Johnson to **ADJOURN** the meeting at 8:11 P.M.

Respectfully Submitted

Sally MacKenzie, Secretary /sk

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

OTHER:

Keith Rosenfeld, Town Planner, WEO
Sheryl Kimiecik, Secretary
Public, 0

Commissioner Davis said that Mr. and Mrs. DeBarber had been working directly with Roman Mrozinski and that she had read the report from Southwest Conservation District, and noted that the Commission hadn't had a chance to review the report. She read a portion of the report and said that this was only a partial report. Mr. DeBarber said that Mr. Mrozinski told him that what is done is done and everything just needs to be cleaned up, which is what Mr. DeBarber has been saying since day one and it could have been done four months ago. Commissioner Davis said that they needed an expert to say exactly what needed to be done. Mr. DeBarber said that he just wants it cleared up and doesn't understand why it has taken so long to do what he wanted to do in the beginning. Joe Bakstis said that according to the minutes from the last meeting they still need an application. Mary responded that they had decided on mitigation which doesn't require an application, it has to do with putting things back as much as possible to the way they were which requires a plan. She continued to say that Roman from Southwest stated that the best course of action at this time is to work with what exists on the site instead of trying to restore the area to its prior condition, and at this time he suggested that they start stabilizing it more. Mr. DeBarber said that it has basically stabilized itself and it is all dried up and that's why he didn't think there were any wetlands. He said that he followed where the water comes from and its all storm drains. Mary said that it comes from underground, a mid slope seep. Mr. DeBarber said that Roman came out to the property and said that the wetlands were in back of the property which he didn't touch. Mary said that according to Roman approximately .3 acres of deciduous forested land has been cleared and the soils exposed and fortunately the area of disturbance had not been stumped and only a nominal siltation of the abutting wetlands along the southern border had occurred. She continued to read the report from Roman and said that stabilization, silt fence, hay bales and the mulch need to be done. Mrs. DeBarber said that she wished she would have known from the first meeting to contact Roman and this would have been done four months ago. Commissioner Davis said that she believed they did mention it. She asked the Commission if they all agree with the plan. Joe said that he still feels there is an underlying problem that exists, and that Mr. DeBarber has said several times that he

didn't know there were wetlands there, and they should be flagged and mapped by a licensed soil scientist so there is not a problem in the future. Mrs. DeBarber asked what the cost estimate would be. Mary said that Roman is qualified to do wetlands flaggings and she asked Keith to send a notice to Roman saying that the Commission would like to have the wetlands flagged. Joe said that another issue is the pond, and in the report it talks about construction of a pond, and it should require a permit. Mrs. DeBarber said that they had just received the report from Roman on Friday and hadn't had a chance to review it. Mr. DeBarber said that he originally said that he was looking into a pond liner to put in the mud hole to hold the water, and that Roman had said that it was a low area. Joe said that Roman stated in the report that there was a recently excavated 15' X 25' pond. Commissioner Davis said that they would want a follow up from Roman to clarify. Lars asked about the excavation. Mr. DeBarber said that he used an excavator to haul the trees that were cut so that there would be little damage instead of using a wheeled skidder that would make ruts. Commissioner Davis said that two meetings ago Mrs. DeBarber had said that she would contact Southwest and then at the following meeting there was a big discussion and the DeBarbers said that they didn't want to use Southwest. Mr. DeBarber said that they did not say that, but that their Engineer said it. Mary continued to say that now there are two things to be done, reinstall the silt fence and hay bales, and spread the mulch and that Keith would follow up to make sure it was done. She said that Roman would be presenting a follow up report. Joe said that to clarify, the measures that Roman outlined will take place and the wetlands would be flagged. He asked Keith about Roman's report regarding mulch, and said that he was concerned and thought that top soil might be better than mulch. Keith replied that this time of the year nothing would grow and this needs to be a physical stabilization method. He said that he would recommend the cut hay, but regular hay would work as well to stabilize the exposed soils. Mr. DeBarber said that he talked to Roman and he would need a machine to do the grading. Keith said that the next report from Roman will have more details on it. Mr. DeBarber asked who he should work with from this point on. Keith replied that they should be working with Roman. Mr. DeBarber said that they would not be able to come to the August meeting. Commissioner Davis said they could work something out. Mrs. DeBarber asked to be copied on the letter that Keith sends out to Roman. Mary said that it would be good if Keith did an inspection to see what was done and give the Commission a full report at the next meeting. The Show Cause Hearing will be continued to the August 4, 2010 meeting,

DRAFT

**INLAND AND WETLANDS COMMISSION
SHOW CAUSE HEARING FOR
VIOLATION OCCURRING AT 850 RUBBER AVENUE,
INCLUDING HAVING A STORAGE TRAILER PARKED NEXT TO
BROOK, LARGE AMOUNT OF DIRT WASHING INTO BROOK,
NO SILT FENCING, AND PLACING SEVERAL DUMPSTERS IN
THE 50 FT. BUFFER. OWNER: MANUEL AND ILDA PRETA
JULY 7, 2010**

Commission Chair Mary Davis called this Show Cause Hearing 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, Absent
Lars Johnson, Alternate

OTHER:

Keith Rosenfeld, Town Planner, WEO
Sheryl Kimiecik, Secretary
Public, 3

Keith said that he didn't think Mr. and Mrs. Preta would be attending tonight and that Attorney Woermer called the office today and will not be able to attend. Commissioner Davis said that they could still have a discussion. Keith said that the containers had been removed before an inspection could take place. Commissioner Davis said that the applicants did not show up for this show cause hearing and asked what the next step would be. She reviewed the regulations and said that the Commission needed to issue an order that the violation remains in effect, publish a public notice in the newspaper, and put a copy in their land record.

VOTED unanimously on a motion by Lars Johnson and seconded by Joe Bakstis that the order that was previously issued regarding the Inland Wetlands violation occurring at 850 Rubber Ave, storage trailer parked next to the brook, large amount of dirt washing into brook, no silt fencing and placing several dumpsters in the 50 ft. buffer, remain in effect and that the public be notified by a notice in the newspaper.

Commissioner Davis asked that Keith contact Mr. Preta.

**INLAND AND WETLANDS COMMISSION
PUBLIC HEARING 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
JULY 7, 2010**

Commission Chair Mary Davis called this Public Hearing to order at 7:04 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
Sheryl Kimiecik, Secretary
Public, 8

Commissioner Davis said that they did not receive a check off list of anything that was missing from the application. Keith said that one thing that is missing is one name on the abutter list, Gary and Linda Brown of 28 Michael Lane. Mary asked if the notification was missing. Keith replied yes, and they are not here tonight, but if they had been that would have sufficed. Commissioner Davis stated that all abutting property owners need to be notified. Mr. Vieira asked if just that one abutter needs to be notified. Mary replied yes, and said that at this point the Public Hearing needs to be rescheduled to the August 4, 2010 meeting at 6:30 P.M. She asked that the applicant sign the application and asked that a check list for the application be provided for the next meeting. Mr. Vieira asked if it would be possible to schedule a site walk. Commissioner Davis replied that the best thing would be to wait because not everyone had been notified. She asked Keith to meet with Mr. Vieira to discuss anything that might be missing.