

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
November 3, 2010**

Commission Chair Mary Davis called this meeting to order at 5:50 P.M. with the following in attendance:

MEMBERS:

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

OTHER:

Keith Rosenfeld, Town Planner, WEO
Wayne Zirolli, Borough Engineer
Sheryl Kimiecik, Secretary
Public, 3

1. Commissioner Davis took attendance and noted there was a quorum and placed Lars Johnson as a regular voting member. She opened the meeting with the Pledge of Allegiance.
2. Executive Session with Borough Attorney. There was no Executive Session.
3. Public Comment.
James Warren, Capital Heavy Hauling, asked to be placed on the agenda to discuss the bond for IW #08-03 for the crossing on Rt. 68. Commissioner Davis said that in order to do that it would need to be under New Business and would require a 2/3 vote to be put on the agenda. She asked if there was anymore public comment. There was no other public comment.
4. **OLD BUSINESS**
 - A. Report from Borough Engineer regarding storm water/drainage issues located within the Union City Road neighborhood.
Wayne passed out a set of plans for the Commissioners to view. He said that the plans aren't finished, they are just preliminary. He said that basically they want to improve the drainage coming into the pond and that he would need to do a little more investigation to see whether installing the deep sumps would be enough or whether a separator should be installed. He said that he will investigate it some more and then present the final plans. Commissioner Davis said her thoughts are to put something in that will really hold up. Wayne said that if he installs the deep sumps that they should catch the silt as long as they are maintained on a yearly basis, and they may do an insert into the catch basin if it is needed. He said that he will do more investigation.
 - B. 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.
No Discussion.

5. NEW BUSINESS

- A. Commission discussion/decision on permit extension for regulated activities (IW #05-07) located on Fox Hollow Adult Community, Mill Street. Applicant: Community Development Investment. Attorney Michael McVerry, 35 Porter Avenue, Naugatuck, representing the applicant CDI Fund, LLC, reviewed the application with the Commission, and said they are seeking an extension of the wetland permit. He said that they had received a memo from Keith addressing it, and that the bio filter has not been fully completed but that it can be done in the spring when planting is more conducive. Mr. McVerry said that there are no wetlands issues up there. Commissioner Davis said that the extension was discussed last month and no one had any objections to extending the permit for five years. Keith said that in his memo he recommended to waive the section as it relates to the 65 days prior to the expiration date. He said secondly he recommends extending it for the additional five years because there has not been a substantial change which requires a new permit, enforcement has not been undertaken with regard to any regulated activity which the permit was issued, and per state statutes the permit will be valid for ten years. He said that the only thing that remains is the bio filter, which is acting as a detention basin right now. He said that the wetland permit wasn't just to hold water it was a permit to enhance the wetlands that were disturbed during the construction process, and we should give them a chance to build it. Mr. McVerry said that there is bonding for this. Keith said that it is a pass book. Sally asked who had the pass book. Keith replied that the town holds it. A discussion took place regarding bonding.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to extend the permit for IW # 05-07 for Fox Hollow Adult Community, Mill Street, Applicant Community Development Investment, for an additional five years.

Joe Bakstis asked for inspection memos to be dated.

- B. Commission discussion/decision regarding regulated activities (IW # 10-05) associated with the development of a residential Lot #8R (single family house, septic system, driveway and proposed plantings) located within an upland review area, located adjacent to 1057 Andrew Mt. Road, Applicant: Alex Oneschuck. Keith reviewed the application and said that the taxes and fees were paid, and the application is complete. He said that Mr. Oneschuck's engineer is here today to fill in some of the details. Keith recommended that a site walk be set and said that it was up to the Commission to determine if it is a significant activity. Gary Giordano, Professional Engineer and Landscape Surveyor, 19 Terrell Farm Rd., Bethlehem, representing the applicant, reviewed the site plan that had been submitted to the Commission. He also submitted a soil science report from HTM, Soils Consulting Service. Mr. Giordano also submitted alternate plans and explained the differences in the plans. He submitted an approval from the State of

Connecticut Health Department. Joe asked about the well. Mr. Giordano replied that the well would be in the back. Joe said that the pumping would only be from the tank to the leaching field. Mr. Giordano replied that from the house to the tank is gravity. Commissioner Davis asked to set a date for a site walk. Keith recommended that Mr. Giordano place stakes where the house corners and septic system would be. The Commission set a site walk for November 13th, 2010 at 10:30 A.M.

Commission Chair Mary Davis called for a five minute recess at 7:10 P.M.

Commission Chair Mary Davis called the meeting back to order at 7:20 P.M.

C. Additional items require a 2/3 vote.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Lars Johnson to add to the agenda Capital Heavy Hauling, LLC (IW # 08-03), discussion on bonding. James Warren, Capital Heavy Hauling, LLC, 69 Kingswood Drive, Naugatuck, asked if a bond was ever set. He said that there were two separate applications. Commissioner Davis said that a bond was never set. Keith asked Mr. Warren if an approval letter with conditions was ever given to him. Mr. Warren said no. Keith said that he believes there was a condition that asked for a sedimentation control bond to be submitted. Mr. Warren submitted copies of the bond information that had been worked on with Mr. Stewart. Wayne Zirolli also submitted his figures to the Commission. Mr. Warren asked who sets the bond for the wetlands approval. Commissioner Davis said that the Wetlands Commission should set the bond. Mr. Warren said that they have been under the assumption that the bond had been set, but upon investigation they found that there never was a bond set, and the application before the Wetlands Commission should have nothing to do with the application before Zoning. Sally asked why they had never seen this bond information before. Wayne said that he was not aware of the amount that Jim Stewart set. He said with the current application he was just trying to roll the crossing estimate into the project. Mr. Warren said that it is a separate application and that they are not disputing the dollar amounts from Jim Stewart, but they are asking the Commission if this is what has been done for other applications that have come before the Commission in the past. Commissioner Davis said that normally the bonds are set by the Town Engineer, but this year it was suggested by our Town Attorney that the bonds come before the Commission for us to set. A discussion took place regarding the items that should be included in the bond. Mr. Warren asked what the Commission usually does with regard to private property. Keith said that the bonding amount is reviewed by the Commission and one of the conditions may be a wetlands and/or a sediment and erosion control bond. He said that this situation is different because it had no zoning Commission or Planning Commission approval, so that is why it says under Conditions of Approval given on August 6, 2008, an erosion and sedimentation control bond would be in place before construction begins. Mr. Warren said that he doesn't think it was set. Keith replied that the Wetland Commission still has to approve it. A discussion took place regarding the question of including the rip rap in the bond. Keith said

that this is one of the rare permits that is a big job that didn't require any other Commission, and it was just the ability to work in the wetlands. Commissioner Davis asked who came up with the cubic yard amount. Mr. Warren said that the cubic yard amount is correct and that they weren't questioning the amount. Paul Bunevich, of Land Data Engineers, 567 Watertown Avenue, Waterbury CT, said that they were just questioning if it is technically erosion control. Mr. Warren asked what would be required as a bond. Keith replied that a letter of credit would be required. Mr. Warren said that he needed the Commission to understand that this is a separate bond and has nothing to do with what is before the Zoning Commission. Commissioner Davis said that the bridge itself zoning is not doing, and the bond is being set for only the bridge crossing. Joe asked Wayne if he was in agreement with the prices. Wayne replied that it could be reduced to \$25,000 and be reasonable. He said that he has been trying to nail down item costs to be realistic for the developers. Commissioner Davis said to set the bond at \$22,809.00. Keith suggested that it be set at \$23,000.00. A discussion took place regarding the bond amount and the difference between a letter of credit, a pass book, and a certified check.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to set the soil and erosion control bond for IW # 08-03, Capital Heavy Hauling, LLC in the amount of \$23,000.00, subject to the review of the Borough Attorney.

6. **CORRESPONDENCE**

Commissioner Davis asked if CACIWC was ever paid. Keith replied that they were paid.

7. **WEO REPORT**

A. Autohaus Property Progress, IW #08-08, 393 Rubber Avenue.

Keith said that they are currently finishing up their site, they have all of the buildings up, and he reviewed the inspection report and photos with the Commission.

B. Property of M. Dmuchowski Inspection, 45 High Street

Keith reviewed the inspection report and photos with the Commission and said everything looks fine now.

C. Pondside Condominiums Inspection, Mill Street

Keith reviewed the inspection report and photos with the Commission and said that they need to keep an eye on it and when spring comes to make sure that they continue to maintain the pipe.

8. **VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to **APPROVE** the October 6, 2010 Meeting Minutes with corrections.

9. **ADMINISTRATIVE BUSINESS**

Commissioner Davis said that she received a CD, “Map Reading and Site Plan Review” in her Wetland packet and offered to let the Commission borrow it.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to **ADJOURN** the meeting at 8:10 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
November 3, 2010**

Commission Chair Mary Davis called this Continued Show Cause hearing to order at 5:30 P.M. with the following in attendance:

MEMBERS:

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

OTHER:

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

Commissioner Davis took attendance and noted there was a quorum. Keith submitted an Inspection Report and reviewed it with the Commission. He said that everything seemed to be doing well and moving along. Joe asked if there was a record anywhere of where the (wetland) flags had been placed. Keith responded that there is a formal file in the office. Commissioner Davis said that she was happy with the report and pleased with what the DeBarbers are doing. Tracy DeBarber said that they have cut up and hauled away the wood and they are trying to get the plantings in so that they don't lose anymore. Commissioner Davis asked if any grass was growing yet. Mrs. DeBarber said that there is a little grass. Keith said that grass should grow back in the spring quickly. Commissioner Davis asked if the rain would wash it out. Keith replied that the erosion controls are in place to prevent any problems. Keith said that he would recommend meeting one more time before winter, to assess how the plantings were doing. Commissioner Davis asked Mrs. DeBarber to notify Keith in the spring when they start working again so that Keith can go up to the property. She said that the Show Cause Hearing should be kept on the agenda through the spring. Keith said it can be kept on the agenda and the Commission can table it and notate that it is being tabled until March. The Hearing was continued to the December 1, 2010 meeting.

**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
November 3, 2010**

Commission Chair Mary Davis called this Public Hearing to order at 6:15 P.M. with the following in attendance:

MEMBERS:

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

OTHER:

Keith Rosenfeld, Town Planner, WEO
Wayne Zirolli, Borough Engineer
Sheryl Kimiecik, Secretary
Public, 5

Commissioner Davis took attendance and noted there was a quorum and placed Lars Johnson as a regular voting member. George Cotter, engineer, OCC group, submitted a letter and site plans. He said that there had been a site walk to investigate lots 2 & 7, 8 & 9, and the area of the proposed detention basin. He said that at the last meeting the Commission had asked for alternatives for the detention basin and lots 8 & 9. Mr. Cotter showed the Commission a map of the original plans of the previous location of the detention basin and explained the plans. He said that there would be no wetland activity within the detention basin. He showed a map of the concept presented in the Kingsmark report. Mr. Cotter said that we keep getting asked to present different alternatives and each time we bring back new plans we eliminate additional impacts. He said the wetlands located there are not significant, and that the development for the two lots will not create an adverse impact. Mr. Cotter said that the wetlands have continued to function given the development of adjacent properties which are probably going to be a little tighter. He said that he understands the Commissions concern about the placement of the basin, and the two alternatives provide for less impact. Mr. Cotter said that the development of this project, the way we have presented it with the studies that have been done, says that there are no wetland impacts. Commissioner Davis said that the concern is that because the buffer zone was changed from 50 ft. to 100 ft, the houses on lot 8 and 9 are sitting in the 50 ft. buffer zone, and the house on lot 9 is in close proximity to the detention basin. Mr. Cotter said that the two alternatives provide for more openness in the development of it, because the concept of what they proposed is that the detention basin needed to be outside the setback area. He said that the reality is that the detention basin does not have an adverse impact on wetlands. Commissioner Davis asked who maintains the detention basin. Mr. Cotter said that the original concept was that it would remain the responsibility of the lot owner however, in the review by the Town Engineer he suggested that a covenant be created or a homeowners association be created to review that, and the whole subdivision would be responsible for the storm water management system. Joe asked for elaboration on Plan C concerning the elevation and creation of a

berm. Mr. Cotter replied that in the original Kingsmark report, it shows a detention basin located in the same vicinity as on our plan, adjacent to wetlands, and the discharge would be to the up hill side which you really can't do. A discussion took place regarding the differences in plans. Joe asked if the difference is that in plan C, the water drains into the upper wetlands and in the other two plans the water drains into the little bay on the pond. Mr. Cotter replied yes, and that there will be more biological activity traveling through the wetland. Commissioner Davis asked if it would be better. Mr. Cotter replied that the water quality would be better with the basin, and the other two directly discharge to the stream area which has a lot of road runoff to it. Commissioner Davis said that the detention basin on Plan C would cause less pollution to the pond and the stream because it would be filtering down through the wetlands. Mr. Cotter said not necessarily to the pond, but it will have a better impact to the stream course and the water system downgrading. Commissioner Davis asked Wayne if he had any thoughts. Wayne said that as far as the level spreader, any velocity should dissipate that, if it is constructed correctly, and there is a fair distance out of the detention basin across the wetland to the edge of the pond. He said that the exit temperature of the water wouldn't be any higher than the ambient temperature by the time it reaches the pond. He said from what he could see Plan C seems reasonable. Joe asked if Plan C would be the preferred plan. Wayne replied that it was a toss, and that the location where it was before, discharging into the outlet basin of the pond seemed to be an o.k. location, and that with this the level spreader and more travel time there is more treatment of the water. Commissioner Davis said that there is more treatment of the water then with Plan C and it is just as effective for the drainage sense of it too. Sally said that the last time this was before us our concerns were the difficulty in maintaining it. Commissioner Davis asked Wayne if Plan C would be easier to maintain. Wayne replied that yes it would be easier as it is right off of the cul-de-sac. Commissioner Davis asked Keith for his thoughts. Keith replied that it appears that the construction of the detention basin would be less with the alternative Plan C and it is an easier fit because it has less excavation. Joe asked about the maintenance. Mr. Cotter replied that a lot of the basins are left to grow wild, but if it is mowed semi-annually there are not problems. Sally asked about the roof drains. Mr. Cotter explained the roof drains.

Commissioner Davis asked for public comment. There was no public comment.

Lars asked Mr. Cotter what his preferences were. Mr. Cotter said that given the impacts, he likes the discharge to the low basin, but that he also doesn't like the fact that it requires some serious excavation to get the basin in. He said that there are less impacts from where they originally had it and when all is said and done it is a balance that works. Joe asked if there is a design plan for the catch basin and if more detail is required. Mr. Cotter said that he would be giving construction detail in the final plans. Joe asked if the covenant would be on the final plans. Mr. Cotter said they are normally submitted as separate subdivision documents that get filed on the land records. Joe said that he would like to see the finished plans come to Keith two weeks ahead of the next meeting, with the Commission also having the plans two weeks ahead of the meeting and Keith's recommendations before the night of the meeting. Commissioner Davis closed the Public Hearing.