

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
December 1, 2010**

Commission Chair Mary Davis called this meeting to order at 6:00 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,

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. 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 Zirolli said that he had given a preliminary map to the Commission last month and had reviewed it out in the field. He said that he was going to make one change to it and instead of removing the manhole at the inlet to the pond that he would put an outlet structure to the pond over it. While the manhole is submerged it works well while as far as flowing water into the pond and he would like to protect it so that children playing wouldn't be able to fall into the manhole. It would look more like an outlet structure for a detention basin although it will be an inlet structure into the pond. He said that the deep sumps that were proposed are the correct solution. He said he would finalize the plan and have it for the next meeting. Joe asked about the sumps and filtration. Wayne replied that regarding the storm water separator it would be an expensive proposition to do it and would be something for the Commission to look at. He said that the deep sumps would settle out sediments but they wouldn't do anything for oils. Joe asked if the bulk of the storm water is off of the street. Wayne said sure and it can be discussed a little more at the next meeting.

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.

Commissioner Davis asked if there were any questions on the changes to the map. Joe asked Wayne about the inlet and outlet elevations. Wayne replied that it is not a problem. Joe said that he liked Wayne's suggestion of the berm because of the location of the basin in relation to the eastern most wetlands. Commissioner Davis asked if there was any more discussion on the detention basin and said that it would create less impact to the wetlands, the brook and the pond and she felt this was a better alternative. Joe asked Wayne if there were things that haven't been shown. Wayne replied that the berm and the stone check dams would need to be shown as well as the easement from the state. Joe asked that if it were approved could they make conditions of approval. Wayne replied that is correct and that the Town Planner had provided those conditions to the Commission. Joe asked if the maintenance of the detention basin should be on the plans. Wayne replied that it is a separate agreement, and can be listed in the conditions. Commissioner Davis asked about erecting markers delineating the wetlands area. A discussion took place regarding the markers. Joe said that it is in last month's minutes that the Commission wanted a Hydrology Report. Keith replied that a new report was submitted with this latest set of plans and has been reviewed by Wayne. Commissioner Davis said that she didn't want to accept anything new after the Public Hearing closed. Joe said that because the Commission didn't see the new report that he would be satisfied with the previous report. Wayne said that with the moving of the detention basin some revised calculations had to be done and it goes along with the plans. Commissioner Davis said that basically then the whole thing is the same except for the calculations that go along with the detention basin.

Commissioner Davis called for a five minute recess at 6:23 P.M.

Commissioner Davis called the meeting back to order at 6:25 P.M.

Sally said that she liked the plan for the new detention pond much better than the old one. Wayne said that every plan has its pluses and minuses and this is fine and would want to see the final details of the detention basin. They have implemented as much as they could of the ERT comments and suggestions, they have done phasing plans and moved the detention basin. With the level spreader and increased distance from the outfall of the detention basin to the pond and having the oil separator that it looks like the detention basin will do the job it is intended to do. Keith said that we also want to add the conditions to the vote and they are meant to ensure the goals of the ERT as well as the Commission over the years in making sure that the development is done right and is good development for the future. He said that speaking for Wayne and himself that they would endorse the use of the placards to delineate the wetlands as well as insisting that a maintenance plan be provided to the Planning Commission as a condition. Joe commented that they have done a good job of meeting our (the Commissions) requirements and suggestions. Keith recommended that the Commission consider this plan as the most feasible and prudent alternative. Commissioner Davis replied that two motions will be made. Commissioner Davis asked that any Commission member that missed a meeting to please state for the record that they have listened to a tape of the meeting and feel qualified to vote. Joe Bakstis stated that he had missed a meeting and that he had listened to the tape of the meeting.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Lars Johnson to APPROVE IW #10-03, Paddock Ridge Subdivision, 24 Cherry St., plans dated October 19, 2010 as revised on November 19, 2010 on file, as the most feasible and prudent alternative. This plan was chosen to be the preferred plan over the previous submitted plans as it was deemed by the Commission to have a less detrimental impact to the wetlands, and the brook and on the existing pond (Tarzan's Pond).

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to add Conditions of Approval for the plans IW #10-03, Paddock Ridge Subdivision, to be subject to the following conditions:

1. Prior to the commencement of any site clearing and pre-construction phase, install orange construction fence on a phase-by-phase basis to demarcate the edge of disturbance limits.
2. A letter from the Connecticut Department of Environmental Protection approving the proposed infrastructure crossing of the Larkin Bridal Trail shall be provided to the Borough of Naugatuck Wetlands Commission prior to Phase 1.
3. The applicant's engineering team shall conduct sediment and erosion control inspections following each storm event that is equal to or greater than one inch of rain. A report summarizing their inspection shall be submitted to the Borough's Wetlands Enforcement Officer and Borough Engineer immediately following each inspection.
4. The applicant's engineering team shall conduct water quality sampling at the inlet and outlet of proposed detention basin for a period of five years post construction. Sampling shall occur once a year during a storm event that generates enough runoff for the detention basins to discharge water from their outlets. It is preferable that such sampling be completed following a minimum of 72 hours with less than 0.1 inch of rainfall recorded. Collected water samples shall be analyzed for temperature, total phosphorous, total nitrates/nitrites, total Kjeldahl nitrogen, total petroleum hydrocarbons, and total suspended solids, total dissolved solids, turbidity, iron oxides and chlorides. A summary report of the findings shall be submitted to the Borough Engineer following each sample event.
5. Prior to the creation of any impervious surface area created within the entire subdivision property, the applicant shall construct and make functional all storm water drainage improvements.
6. Prior to the commencement of any site work on the entire subdivision property, the applicant shall notify the Wetlands Enforcement Officer and ZEO, to ensure the installation of the required erosion and sedimentation controls.

7. 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.
8. All regulated areas are to be documented as conservation easements and recorded in the Naugatuck Land Records, coinciding with the recording of the Record Subdivision Plan.
9. Final design of the detention pond is subject to the approval of the Borough Engineer and Wetland Enforcement Officer.
10. Additional details and a construction narrative will be required for the water and sewer extension across the Bridal Trail. This may require a modification of the issued permit.
11. Prior to the recording of the Record Subdivision plan, all Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck.
12. Prior to the issuance of each Certificate of Occupancy for each individual lot, all work within regulated areas shall be permanently stabilized.
13. Prior to the recording of the Final Subdivision Plan, a Sediment and Erosion Control Bond shall be approved by Naugatuck Inland Wetlands Commission, as recommended by the Borough Engineer and Wetland Enforcement Officer.
14. All sediment and erosion controls should adhere to the 2002 CT Guidelines for Soil Erosion and Sediment Controls for the use, installation and maintenance of measures utilized on the site.
15. A low berm to be installed along the northeastern edge of the detention basin to prevent water from flowing into the basin from adjacent wetlands to the northeast, due to basin being excavated lower than the adjacent wetlands. The berm should be constructed of soil with low porosity to minimize water infiltration as outlined in the report of the Borough Engineer dated December 1, 2010.
16. The developer's engineer will certify that the detention basin is constructed and functioning properly. The Borough Engineer will inspect and certify that the basin is constructed and functioning properly before any further construction begins.
17. The utility crossing at the bridle trail must have adequate erosion and sediment controls, silt fences and hay bales, to protect the pond and wetlands on both sides of the bridle trail during the construction of the easement.
18. A second baffle should be depicted in front of the outlet structure and emergency spill way to form another bay thereby creating a third bay in the basin.

19. Applicant will provide a narrative for the maintenance of the detention basin to be approved by the Borough Engineer.
20. Applicant shall install placards on both eastern and western wetlands boundaries delineating the wetlands boundaries. Design is the standard Borough placard.
21. Final plan shall include signature of soil scientist.

5. **NEW BUSINESS**

- A. Commission discussion/decision on permit extension for regulated activities (IW #05-09) Pond View Estates, located at the intersection of Wooster Street and Donovan Road. Applicant: Antonio F. Pereira
Keith said that Mr. Pereira could not make it and that a letter had been submitted from Mr. Pereira date November 22, 2010. Commissioner Davis said that even though the permit wasn't given to the Commission in advance for the required 65 days she suggested that he should be allowed to extend the expiration date. Keith said that there is just one lot left around the pond and that Mr. Pereira is only asking for a two year extension and looking to do the work this coming summer.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to extend permit (IW #05-09), Pond View Estates located at the intersection of Wooster Street and Donovan Road for an additional two years until January 4, 2013.

- B. Commission discussion/decision and determination of significant activity regarding regulated activities (IW # 10-06) associated with proposed expansion of Wal-Mart Store, located at 1100 New Haven Road, Applicant: Wal-Mart Real Estate Business Trust.

Attorney John Knuff, 147 North Broad Street Milford Ct., said that they are proposing an expansion of 23,000 sq feet for a total of 147,000 sq feet which will require some earth excavation activities. He said that they had submitted a special permit application for retail use and one for earth excavation to the Planning and Zoning Commissions. Mr. Knuff said that there are no wetlands on the site, that there are two detention basins and the amount of flow will not change, and that all of the activities are outside of the 100 ft. review area. Commissioner Davis asked that the plans be shown and a discussion took place regarding the plans. Commissioner Davis said that everything for the application was submitted and in order. Keith recommended to issue an administrative approval because of the fact that there are no wetlands on the property and the activity will not have any effect on the adjacent wetlands and water courses. Commissioner Davis said that they will make it a regular approval.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Lars Johnson to APPROVE IW #10-06, Wal-Mart Expansion, 1100 New Haven Rd., with all of the standard conditions, per section 12.1.

C. 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. Commissioner Davis said that the application was complete. Keith said that there was a site walk on November 13, 2010 and that a WEO report had been sent to the applicant and submitted to the Commission. Gary Giordano presented the alternative plans to the Commission and explained the changes. A discussion took place regarding the water flow and the rain garden. Sally asked if it was ever considered to relocate the stone wall. Mr. Giordano said that he feels that stone walls area historical feature and he can't see them going through the expense of moving it. A discussion took place on whether or not to declare it a significant activity and call a public hearing. Keith said that zoning wise this is a legal use and is permitted as a right to have a single family home in a residential lot and is not a diversion from that. He said that he put in his memo those items that should be considered for a significant activity, and that some of the possible effects of the development is being mitigated by the placement of some of the plantings along the edge of the driveway that will create a boundary between the residential use and the wetlands themselves. He said that any decision could include some conditions such as placement of placards and that those who do develop it do so in an environmentally friendly way. Commissioner Davis said that her thoughts are that it is not significant. Sally asked what the differences were between the first map and the new one. Commissioner Davis replied that a rain garden has been added and the removal of the pipe has been included.

VOTED: On a motion by Joe Bakstis and seconded by Sally MacKenzie to declare IW # 10-05, development of residential lot #8R located adjacent to 1057 Andrew Mt. Road, Applicant Alex Oneschuck, plans dated July 15, 2010 and revised on November 19, 2010 as not significant.

<u>For</u>	<u>Against</u>	<u>Abstain</u>
Sally MacKenzie	Lars Johnson	
Joe Bakstis		
Mary Davis		

D. Additional items require a 2/3 vote. No additional items were added.

6. **CORRESPONDENCE**

Keith said that we received a bill from Southwest Conservation District and that Ms. Hurley will be paying it.

7. **WEO REPORT**

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

Keith said that he met with Mr. Kosloski. They are in the process of removing the canopy from the front building in order to make use of that front portion for car displays and move the cars in the parking lot in the front and then they will be able to do the parking lot. He said that Mr. Kosloski understands that the Commission wants him to finish as soon as possible and he is doing the best he can at this point.

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

Keith said that it is flowing through that property and backing up a little bit because the pipe is small and not able to handle the flow that occurred today, and there is a ponded area about 10-15 ft from the head wall and it is flowing through there with no blockage or flooding as there was last year at this time.

C. Pondside Condominiums Inspection, Mill Street

Keith said that the flow is going properly out of the pipe.

A discussion took place regarding the continued list of ongoing permits submitted by the WEO. Sally said that Capital Heavy Hauling had started on the Prospect St. sign and made an entry off of the road. Keith said that it will be inspected and that he is not allowed to start any work without submitting the bond that was set at the last meeting. Commissioner Davis asked Keith to update the permit list.

8. **VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to **APPROVE** the November 3, 2010 Meeting Minutes with corrections.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Lars Johnson to **APPROVE** the November 13, 2010 Special Site Walk Meeting Minutes.

9. **ADMINISTRATIVE BUSINESS**

Commissioner Davis gave Keith a copy of the conditions that were approved (IW #10-03). Sally asked why Oneschuck was never sited for clearing the driveway. Joe said that it was a result of the mess that was up there and it was the remediation of a complaint. A discussion took place regarding the driveway. Keith said that they will keep an eye on it.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to **ADJOURN** the meeting at 8:04 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
December 1, 2010**

Commission Chair Mary Davis called this Continued Show Cause hearing to order at 6:10 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 said that at the last meeting the plantings were discussed. Mrs. DeBarber said that some of the plantings were started using Mr. Mrozinski's plan, but that they haven't gotten as far as hoped. Commissioner Davis said that with the rain we need to check it out. Mrs. DeBarber said that the silt fences are all still in place as well as the wood chips on the bank. Commissioner Davis asked if Keith had been out to look at it. Keith replied that he hadn't and asked Mrs. DeBarber to give him a call so they can set up a time for him to go out to the property. Commissioner Davis said that at this point there is nothing more that they will be able to do and the Public Hearing should be tabled until March. She said that it would be kept on the Agenda, but that the DeBarber's would not need to come until March unless there is a problem. Keith said he will report back next month.