

**INLAND AND WETLANDS COMMISSION  
REGULAR MEETING  
January 6, 2010**

Mary Davis called this Regular meeting to order at 6:05 PM 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

1. Mary Davis took attendance. She noted there was a quorum and opened the meeting with the Pledge of Allegiance.
2. 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.

Keith Rosenfeld stated that Wayne Zirolli, Borough Engineer would not be here in person today and read a report from him dated January 5, 2010. In his report, Mr Zirolli stated that the area continues to be monitored. In November a weir was installed in a drainage manhole off Rado Drive. It is expected to help mitigate flooding issues on East Waterbury Road by diverting a larger portion of storm water flow to the drainage channel by channeling this flow to Schildgen's Pond. This should reduce the potential for flooding East Waterbury Road. Mrs. Davis reported that the Agency and Mr. Savarese should be getting a report back from the Southwest Conservation District but it has not arrived yet. She also stated that the item was to remain on the agenda

- B. Commission discussion/decision of proposed Naugatuck Commission Procedural Format.

Mary Davis said that it was discussed last month and the Commission was at an impasse and they did not really care whether they had any bylaws, she queried the other members. Mr. Bakstis stated he believed that is what happened and what was decided. It was noted that Borough Attorney Fitzpatrick had wanted to discuss the issue further but was not in attendance tonight to speak with them. The Commission decided to leave it on the agenda so it could be discussed at the Commission's next meeting to see what he has to say.

- C. Commission discussion of newly created tax form and amendment to Section 7.5.4 of the Naugatuck Inland Wetland Regulations.

As you recall last month, Mary Davis said that the Commission was going to have a Public Hearing on this issue but she had done some research on the subject, spoke to Attorney Savarese, and reviewed the original minutes for this subject, having a copy of those right with her.

The Commission voted for a recess at 6:10 PM and reconvened at 6:15 PM.

Mary again stated that she reviewed the original minutes and there was some discussion on this. But as it stood, nothing had changed in the ordinance for us to have to do anything. She said what is in the regulations is a clerical error. When I spoke to the attorney, he said there was absolutely no need for a Public hearing. It was clear as it can be and Attorney Fitzpatrick agreed with her. She felt that the best thing to do is to continue as the regulations were written and when an applicant comes in, do as Keith did this past month and attach a copy of the ordinance to the tax form. Now there was no misunderstanding as to what is expected from each applicant. Keith will explain this to the applicant. She said it can stay the way it is and asked the Commissioners whether they all agree. Joseph Bakstis stated that the Commission will keep the regulations as they are. It was agreed by all to have it go off the agenda.

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

Mary confirmed to the WEO that she had received an email from him concerning the subject. . He passed out a letter that he had sent to Barbara Sanders previous to his meeting with her brother Edward, making her aware that she had received the materials from the SWCD and it was time to do the work. Sally Mackenzie questioned why the work was not done at this time. Keith Rosenfeld stated that he had not received a report from South West Conservation District but expected to hear from the Agency soon. He stated that he had met with Edward Sanders and reported that the silt fencing was put up properly, functioning and the ground was now frozen. He passed out a letter that he had sent to Barbara Sanders previous to his meeting with her brother Edward. It was agreed by all to have it remain on the agenda.

**4. NEW BUSINESS**

- A. Commission discussion/decision for wetlands activities associated with Paddock Ridge Subdivision, a proposed 13 Lot subdivision (IW #09-09) located at the end of King Street, Applicant: Manuel N. and Carole J. Vieira.

Manny Vieira spoke to the Agency explaining that his attorney and engineer could not be here to represent him. He brought in a letter from his attorney, explaining what his opinion was concerning the new application as well as the previously submitted ones. Mr. Vieira submitted two sets of updated plans to the Agency and promised to bring in additional ones on the following Monday. Mr. Vieira explained that the plans that were submitted omitted some things and they corrected that. He was here to ask the commission to set a date for a Public hearing. It was reported by Mr. Rosenfeld that although the taxes were reported to be paid by the Tax Collector, the current application was still incomplete, missing several items having to do with the narratives describing the proposed wetland activities as well as the alternatives considered and rejected by the applicant. The Town Planner and Chair agreed that at a minimum, those remaining items can be presented before the start of the Public Hearing. Mary Davis confirmed that the application was incomplete at this time, lacking those two items. Joseph Bakstis questioned whether the Agency could accept an incomplete application and Mrs. Davis said yes they could, sure. Again, she stated that the applicant should have the required information ready before the next meeting. Mr. Bakstis asked the applicant to read the letter from his attorney into the record and he did. After the letter was read, there was a discussion held between staff and the commission regarding the current application's file number, the attorney's reference to the "01" files on his submitted letter, whether or not the application was being reapplied for and whether it was complete. It was confirmed that the number "09-09" was correct, as it was the ninth application received by the Land Use Office in 2009. It was agreed by all that this application was a new application as that the previous two applications, although were approved by past commission, there decision was thrown out by a judge's decision. This was a new application that would be required to adhere to the the regulation's most recent revisions. Lars Johnson reported that this is the first time he will look at the proposal and questioned that the 100 foot setback was valid. Mary said yes. Mary stated that the applicant requested a Public Hearing. She wanted the application sent to the Southwest Conservation District. In order for them to do a thorough review, she wanted to set the Public Hearing for March 3rd. They need a good six weeks to prepare a report. It was decided that the application still needed to accept the application and Sally Mackenzie confirmed that the application was correctly identified as "09-09", thus being the ninth application received by the Land Use Office in 2009.

**VOTED:** Unanimously on a motion by Mary Davis and seconded by Joseph Bakstis to **ACCEPT** Paddock Ridge Subdivision, a proposed 13 Lot subdivision (IW #09-09) located at the end of King Street, Applicant: Manuel N. and Carole J. Vieira and **SET** a Public Hearing for March 3, 2010 at 6:30 PM.

5. **CORRESPONDENCET**  
There was no correspondence.
6. **WEO REPORT**

There was no report.

7. **Review /Approval** of November 4, 2009 and December 2, 2009 regular meeting minutes.

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** December 2, 2009 minutes with corrections.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Lars Johnson to **APPROVE** November 4, 2009 minutes with corrections

8. **ADMINISTRATIVE BUSINESS**

A. Annual election of Officers

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Lars Johnson to **NOMINATE** Mary Davis as Chair of the Naugatuck Inland Wetlands Commission.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Lars Johnson to **NOMINATE** Joseph Bakstis as Vice Chair of the Naugatuck Inland Wetlands Commission.

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Lars Johnson to **NOMINATE** Sally MacKenzie as Secretary of the Naugatuck Inland Wetlands Commission.

9. **ADJOURNMENT**

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Lars Johnson to **ADJOURN** the meeting at 6:52 P.M.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /kr