

**CONTINUED PUBLIC HEARING FOR A  
PROPOSED INDUSTRIAL PARK (IW #09-01) LOCATED ON PROSPECT ST.  
APPLICANT: CAPITAL HEAVY HAULING  
May 6, 2009**

Mary Davis opened the Public Hearing at 7:00 P.M. with the following in attendance:

**MEMBERS:**

Mary Davis, Chair  
Joseph Bakstis, Vice Chair  
Sally MacKenzie, Secretary  
Lars Johnson, alternate-absent  
Jeff Hayden

**OTHER:**

Keith Rosenfeld, WEO  
James Stewart, Boro Engineer  
Wayne Zirolli, Ass Boro Engineer  
Rachel Brainard, Secretary  
Public: 12

Attorney Michael McVerry, representing the applicant stated they had received the Southwest Conservation report on Monday; the updated report from Wayne Zirolli, Assistant Borough Engineer; and the checklist from Keith Rosenfeld. He explained the application to the Commission. He noted that in August of last year his applicant received approval from the Wetland Commission for the waterway crossing and submitted a copy of the decision to the Commission. He stated the site is a pre existing non-conforming gravel operation. He submitted a letter from Steve Macary, ZEO into the record. Paul Benevich, engineer from Land Data Engineers, went over his letter of itemized changes from Wayne Zirolli's report. He submitted revised plans to the Commission dated May 6, 2009. He went over the changes. He noted they have taken out the grading by Building A which saves 8,000 sq. ft. of wetland disturbance and moved the truck turn around out of the regulated area saving 500 sq ft of disturbance. Paul Benevich stated Mr. Warren and himself would like to meet with SWCD Director Roman Mrzinski to discuss his report. There was a discussion between the Commission and the applicant over the Southwest Conservation report concerning the date of receipt. Keith Rosenfeld noted that the Land Use Office received the report late afternoon last Friday May 1<sup>st</sup>. Attorney McVerry stated he will try to coordinate with Roman and will also invite Jim Stewart and Keith Rosenfeld. Paul Benevich went over the items in his report which address Wayne Zirolli's engineering report. He stated that items #1, #3-11, #12C, #12D, and #14 were all complete. He stated they are planning on phasing the project and dividing up the activity so that no more than 5 acres will be disturbed at one time. Mary Davis noted that would be a good question for Mr. Mrzinski and what he suggests the phasing should be. Paul Benevich stated that the truck turn around between building B and C, the temporary stock pile and the infiltrator on Building F have all been removed. Mary Davis noted that Pond #3 is in the regulated area and asked if they would consider moving it up on the site even though the applicant would lose a building or have to construct a smaller building. She stated this was one of the things that the report from Southwest suggested. Jim Warren, applicant, said that moving it out of the regulated area would create additional wetlands and additional setback areas as well. They will lose additional development on the site. He asked to see other plans from different applications where people were asked to do this. Paul Benevich stated the cut and fill quantities have been submitted and that the sites topography change daily. Joseph Bakstis noted this was something that Keith Rosenfeld had asked at the last meeting. He

wanted to know what the grade is presently and what it will be. Attorney McVerry stated the map shows the final grades. He said the grades change day to day, week to week and that the site will continue to function as a sand and gravel operation until the anticipated grades are reached.

Mary Davis opened the meeting up for Public Comment at 7:33 P.M.

There was no Public Comment.

Attorney McVerry submitted a letter into the record requesting an extension to close the Public Hearing until the June meeting. Mary Davis asked that Steve Macary and the Zoning Commission receive a copy of the Southwest Conservation report.

The Public Hearing was continued to June 3<sup>rd</sup> at 6:30 P.M.

**PUBLIC HEARING FOR  
WATER CROSSING FULLING MILL BROOK COMMONS  
(IW#09-03) LOCATED ON PROSPECT STREET.**

**APPLICANT: ONSI TAWADROS**

**May 6, 2009**

**MEMBERS:**

Mary Davis, Chair  
Joseph Bakstis, Vice Chair  
Sally MacKenzie, Secretary  
Lars Johnson, alternate-absent  
Jeff Hayden

**OTHER:**

Keith Rosenfeld, WEO  
James Stewart, Boro Engineer  
Rachel Brainard, Secretary  
Public: 6

At this time Wayne Zirolli left the meeting.

Keith Rosenfeld read the Public Hearing notice into the record which was posted in the Citizens News. It was determined that the applicant's application was deficient as he had not sent out the required notices to the adjacent property owners making them aware of the Public Hearing. This Hearing was not opened and was postponed until June 3<sup>rd</sup>.

**INLAND AND WETLANDS COMMISSION  
REGULAR MEETING  
May 6, 2009**

Mary Davis called this Regular meeting to order at 6:03 PM with the following in attendance:

**MEMBERS:**

Mary Davis, Chair  
Joseph Bakstis, Vice Chair  
Sally MacKenzie, Secretary  
Lars Johnson, alternate –absent  
Jeff Hayden

**OTHER:**

Keith Rosenfeld, Town Planner, WEO  
James Stewart, Boro Engineer  
Wayne Zirolli, Ass. Boro Engineer  
Rachel Brainard, Secretary

1. Mary Davis took attendance, she noted there was a quorum and opened the meeting with the Pledge of Allegiance.
2. On a motion by Joseph Bakstis and seconded by Sally MacKenzie the Commission entered into executive session at 6:05 P.M. inviting Keith Rosenfeld and Attorney Zehnder. The regular meeting resumed at 6:55 P.M.

**3. OLD BUSINESS**

- A. Commission discussion/decision for a proposed Industrial Park (IW #09-01) located on Prospect St. Applicant: Capital Heavy Hauling.  
This item was tabled to the June 3<sup>rd</sup> meeting.
- B. Commission discussion/decision for a proposed subdivision (IW#09-02) for property located on Woodcrest Drive and Florence Street. Applicant: Progressive Business Development.  
Joseph Bakstis recused himself from the meeting. Attorney Dlugokecki, representing the applicant along with Lou Demadio from Progressive Development addressed the Commission. Attorney Dlugokecki went over the history of the property. He noted the proposed detention pond was located outside the regulated area. He stated there will be a zero increase in runoff. He noted they did consider other upland alternatives which they had plans for. These plans showed the detention basin in another location. This area has a lot of ledge and would require a large amount of blasting. He said the detention pond would have to be backed up with underground galleries. He said they felt the best location for the detention basin is outside of the regulated area but they did explore another upland area, but they feel it does not reach the goals that everyone is on board with to complete the entire project. Keith Rosenfeld asked if they were looking at a one year plan, consisting of 4-5 months of actual work within that one year window. Attorney Dulugokecki said yes.

Mary Davis called for a 5 minutes recess at 8:00 P.M.

Mary Davis asked if this application would be going in front of the Planning and Zoning Commission. Keith Rosenfeld stated that the ZEO will decide if they need a Special Permit. They will also require a soil and erosion certification from the Zoning Commission. Mary Davis said that on the site walk they noticed a lot of earth disturbance and because of that disturbance there is a chance of pollution to the brook. Carlos Batista, the applicant, stated this is a lot line revision. He noted the homes would be family owned lots. They are minimizing any impact from erosion by having a sequenced contingency. Mary Davis asked Jim Stewart his opinion of the alternative the applicant presented. Jim Stewart said although it's location is further from the upland review area, the discharge will have further to go to reach the stream. The storm water will have more velocity. The applicant will have to build more of the rip rap channel as a result. He stated he does not see a benefit to this location from what was originally proposed. Mary Davis asked what else they could do to prevent any problems down stream. Carlos Batista stated a diversion swale is proposed on the plans which pick up the water in the back of the proposed homes and send it to the detention basin. Mary Davis noted the swale is not labeled on the original map and it needs to be more clearly shown. Jim Stewart said they will have to stabilize the area as quickly as they can with the start of construction for the pond. He suggested the Commission require the applicant to do this during the dry period, prior to construction of the road.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Jeff Hayden that the regulated activities associated with IW application IW#09-02 lot line revision for property located on Woodcrest Drive and Florence Street, Applicant: Progressive Business Development are **NOT SIGNIFICANT**. Attorney Dlugokecki submitted a request for an extension for a decision into the record. Lou Demadio went through Wayne Zirolli's report and stated why the alternate location for the detention basin would not be beneficial. There was a discussion over the water drainage on the property. Lou Demadio stated the steep slope on the site is the stock pile to build up the road and will not stay that way. Attorney Dlugokecki said they will give the Commission plans prior to the next meeting with the highlighted revisions once they meet with the staff. Mary Davis said she just wants the basin moved closer to the homes and up higher on the lot.

- C. Commission discussion/decision for Fulling Mill Brook Commons (IW#09-03) for property located on Prospect Street. Applicant: Onsi Tawadros. This item was tabled to the June 3<sup>rd</sup> meeting.
- D. Commission discussion/decision for a proposed office building (IW#09-04) for property located on Lot 3 Great Hill Road. Applicant: Bethline Associates LLC. Ted Crawford from Milone and McBroom submitted revised plans to the Commission. He went over the property noting it is an industrial lot zoned for office A. He stated it is a wooded area with a small wetland associated with the stream. He noted the property is abutted by residential homes. They are proposing a 20,000 sq. ft. office building which will be located as close to Great

Hill Road as possible away from the residential properties to the rear. He noted per the new Connecticut Stormwater Quality Manual, the parking lot will be designed without curbing. He stated there will be catch basins in the parking area, including curtain drains and 3 water quality basins. He said the northeast wetland pocket is the only wetland area on the site. Mr. Crawford said the driveway will be pitched away from the wetlands. He stated there will be no direct wetland activity with 12,500 sq ft of activity. Ted Crawford went over Wayne Zirolli's report. He said they will be clearing a portion of the site, leaving natural vegetation. He noted they will be adding additional evergreen screening between the abutting properties, double on the easterly side. There will be shaded trees throughout the site. Commissioner Bakstis stated Mr. Crawford had a great presentation and the maps were great and easy to read. Jim Stewart said there was no impact to the wetlands.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Joseph Bakstis that regulated activities related to application for a proposed office building (IW#09-04) for property located on Lot 3 Great Hill Road. Applicant: Bethline Associates LLC are **NOT SIGNIFICANT**.

Keith Rosenfeld said that staff can prepare a final review for the next meeting.

#### 4. CORRESPONDENCE

- A. IW violation inquiry regarding a detention pond with Pondsides Condominium Complex, Naugatuck CT. Owners: DA Rich Company, LLC.

Keith Rosenfeld stated Mr. Rich is not here tonight and that a letter was sent certified mail that was received on April 23, 2009. Mary Davis stated a cease and desist should be issued. Mr. Rosenfeld explained that he originally sent the letter to Imagineers which is listed on the deed, but he received a different address from Mr. Baummer. The Commission decided to delay the sending of the cease and desist letter, in order and to schedule a Show Cause Meeting for June 3<sup>rd</sup> at 5:30 P.M.

#### 5. WEO REPORT

No report

6. **Review /Approval** of Minutes for January 15<sup>th</sup> Special Meeting and April 8, 2009 Special Meeting minutes.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Joseph Bakstis to **APPROVE** January 15<sup>th</sup> Special Meeting minutes as amended.

The Commission decided to table the April 8<sup>th</sup> meeting minutes for further review.

**VOTED:** Unanimously on a motion by Jeff Hayden and seconded by Sally MacKenzie to **APPROVE** Special Meeting site walk minutes for April 21<sup>st</sup> with corrections.

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** Special Meeting site walk minutes for April 21<sup>st</sup> with corrections.

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** Special Meeting site walk minutes for April 23<sup>rd</sup> with corrections.

7. **ADMINISTRATIVE BUSINESS**

Mary Davis asked Keith Rosenfeld to look into getting the membership for CACIWIC and to get back to her with that information at next months meeting.

Joseph Bakstis had a concern while they were on a site walk at the RJ Starr property on May Street. The adjacent property had a shed in the corner of their lot which is built with in the wetland boundaries with out a permit. Keith Rosenfeld said he will look to see if they received a permit for the shed.

8. **ADJOURNMENT**

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Joseph Bakstis to **ADJOURN** the meeting at 10:05 P.M.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb