

**CONTINUED PUBLIC HEARING
FOR AMENDMENTS TO NAUGATUCK INLAND WETLANDS
REGULATIONS SECTIONS 2.30, 10.21, 11.1, 15.5 AND PART B,
REGULATED AREA FEES.
January 15, 2009**

Mary Davis opened the Public Hearing at 6:16 P.M. with the following in attendance:

MEMBERS:

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

OTHER:

Keith Rosenfeld, WEO
Wayne Zirolli, Assit. Boro Engineer
Rachel Brainard, Secretary
Public: 9

Keith Rosenfeld stated that he consulted with Borough Attorney Hess and they found flaws in Section 11.1 and 15.5. They are asking to withdraw them and proceed with Section 2.30 and 10.2.1, the increase of upland review area and fee schedule. He noted the DEP supported for this area to be increased.

Public Comment:

George Carrera, 0 Field Street, feels this is an unnecessary recommendation. He feels this will ruin people's yards. It makes no sense to him at all.

Keith Rosenfeld stated this is not restricted area. It is for areas that may have an affect on the wetlands. The changes are not intended to restrict, but to regulate. George Carrera said that most lots in Naugatuck are less than 100 ft long.

Mary Davis closed the Public Hearing at 6:22 P.M.

**INLAND AND WETLANDS COMMISSION
SPECIAL MEETING
January 15, 2009**

Mary Davis called this meeting to order at 6:15 PM with the following in attendance:

MEMBERS:

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

OTHER:

Keith Rosenfeld, WEO
Wayne Zirolli, Asst Boro Engineer
Rachel Brainard, Secretary

1. Mary Davis took attendance, and opened the meeting with the Pledge of Allegiance. She noted there was a quorum. Chairwoman Davis appointed Lars Johnson as a regular voting member in place of the vacant regular position.
2. There was no Executive Session.

3. OLD BUSINESS

- A. Commission discussion/decision for proposed subdivision application for Anderson Mills Subdivision located on Mill St and Field St.(IW#08-10), Naugatuck, CT. Applicant: Anderson Mills LLC.

Mary Davis stated they need to make the decision whether they feel this is a significant activity or not.

VOTED: Unanimously with a motion by Sally MacKenzie and seconded by Jeff Hayden that the activity is **SIGNIFICANT** on proposed subdivision application for Anderson Mills Subdivision located on Mill St and Field St (IW#08-10) Applicant: Anderson Mills LLC.

Mary Davis stated the Commission had asked for a continuous stone wall on all the lots, but at last month's meeting there was a recommendation to use some wood split rail fences. Lots #1, 4, 5, and 8 would have a wood rail fence per the recommendation of the Borough Assistant Engineer and WEO. Joseph Bakstis questioned where the fence would be located on Lot #1. Commissioner Davis stated along the edge of the property and wetland buffer. Mr. Bakstis said he didn't see that it was needed. The Commission decided not to include Lot #1. Commissioner Bakstis questioned whether the fence on Lot #8 was needed as well. Mary Davis said she felt it was. Jeff Hayden asked how the decision was made to go with the stone wall and the wood rail fence on the specific lots. Keith Rosenfeld stated the staff looked at the lots where there were larger amounts of yard behind the proposed houses. The lots with less land were given stonewalls because it would be more permanent. Mr. Rosenfeld handed the Commission a list of 9 different types of planting materials for the vegetative strip. Chairwoman Davis asked if a rain garden type of planting system could be placed behind the stone walls. Wayne Zirolli said that rain gardens are fine, but the applicant has

designed underground galleys, and it's usually one or the other. Mary Davis thought this would be added protection. Mr. Zirolli noted the plantings would have to be maintained in order for them to be functional. Commissioner Davis asked how many signs he thought would be needed per lot. Wayne Zirolli said 1 per lot would be sufficient. Mary Davis said they also want to provide protection to the significant trees on the lot. Vice Chair Bakstis suggested extending the stonewall onto Lot #8. All the Commissioners agreed.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** with the following conditions an application for proposed subdivision for Anderson Mills Subdivision located on Mill St and Field St, Applicant: Anderson Mills LLC.

1. All prior conditions set forth by the various land use boards and commissions are incorporated in the conditions of approval.
2. A wood rail fence shall be erected at the edge of the 50 foot upland review area to run along Lots 4 and 5. The rail fence will serve as a suitable demarcation line between the upland review area and the lot development area and requires little maintenance and is easily repaired.
3. That a stone wall shall be erected at the edge of the 50 foot upland review area to run along Lots 2,3,6,7, and 8. On those lots where development is close to the 50 foot upland review boundary, the stone wall will serve as an even greater demarcation line between the upland review area and the lot development area.
4. Placards or signs shall be placed at suitable intervals along the edge of the upland review area. Signs or placards shall be approved by the WEO and the Wetlands Commission.
5. A 5 foot Vegetated Filter Strip shall be installed on the lot development side of the proposed wood rail fence, to ensure protection of the upland review area, the wetlands and the downstream neighbors' concerns for increased runoff from the site. The final location, design and planting schedule shall be approved by the Borough Engineer.
6. That construction fences be depicted on plans to provide protection to significant trees.
7. Soil types and infiltration capacities at the infiltration galley locations shall be determined and provided for town staff review prior to issuance of the building permit.
8. Prior to the creation of any driveway or other impervious surface area created, the applicant shall construct and make functional all storm water drainage improvements.
9. 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.
10. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored (temporarily) within fifty feet of an inland wetland or watercourse.
11. All regulated areas as well as their upland review areas are to be documented as conservation easements and recorded in the Naugatuck

Land Records, coinciding with the recording of the Record Subdivision Plan.

12. Prior to the recording of the Record Subdivision plan, all Inland Wetland Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck.

B. Commission discussion on amendments to Naugatuck Inland Wetlands Regulations Sections 2.30, 10.21, 11.1, 15.5 and Part B, regulated area fees.

Mary Davis noted there was discussion during the Public Hearing.

VOTED: On a motion by Sally MacKenzie and seconded by Lars Johnson to **APPROVE** amendments to Naugatuck Inland Wetlands Regulations Sections 2.30, 10.21, and Part B regulated fees.

Sally MacKenzie withdrew her motion.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Jeff Hayden to **APPROVE** amendments to Naugatuck Inland Wetlands Regulations Section 2.30, 10.21, and Part B regulated fees with an effective date of February 16, 2009.

Mary Davis called for a break at 7:20 P.M. The meeting was called to order at 7:32 P.M.

C. Commission discussion/decision regarding litigation involving RJ Starr Design & Build LLC for property located at Lot #107 Maple Hill Road, Naugatuck, CT.

Mary Davis recused herself and handed the meeting over to Vice Chair Joseph Bakstis. Mr. Bakstis took attendance and noted there was a quorum. He noted that all the Commissioners were present at the site walk. He went through all the reports looking for a description of the functioning wetland habitat, but was unable to locate it. David Lord said the wetland area would be looked at by its size. This particular wetland area does not provide for any significant habits. Its function as a wetland habitat would be solely for its migratory purposes, not as a long term home. It does provide nesting sites for birds. There is wildlife found there, but they do not reside there. Mr. Lord said the main function of this wetland is the conveyance of surface water runoff. Joseph Bakstis noted the rear yard provided on the side table on the plans is 136.2 feet, but it does not appear to be correct. Scott Meyers, Engineer, stated that was from the previous application, the rear yard setback will be 39.9 feet. Mr. Bakstis asked if the culvert is within the applicant's property. Scott Meyers stated it crosses the pump station property. Commissioner Bakstis asked who would be responsible for maintenance on it. Mr. Meyer said there is a proposed easement to the Borough. Joseph Bakstis noted the items listed on the sequence of construction and asked where the top soil would be stored. Scott Meyers answered it would be where the wetland creation will be in the Northeast corner of the lot, out of the construction zone. Mr. Bakstis asked if there would be any excavation for the foundation. Scott Meyers said no, the foundation would be 1 foot higher than the ground. Sally MacKenzie said she was not in favor of the split rail fence and felt the stone wall would be more of a deterrent. She noted there are wetlands on 3 sides of the

property. Scott Meyers said they are showing about 160 ft of wall and 45 ft of it can be eliminated. Vice Chair Bakstis said he agreed with Sally MacKenzie. Sally MacKenzie noted that by today's standard this is really not a buildable lot and she feels this is a minor issue. Scott Meyers said the applicant was fine with the wall.

Public Comment:

John Jacobi, 1058 May St., stated he is concerned by how close the house is to May St. He feels it will stick out like a sore thumb. He doesn't think a raised ranch will fit into the neighborhood. They have lived there for over 4 years and he thinks there is a huge wildlife habitat established there of frogs, turtles, deer, and coyotes. When they bought their house they were told that this was a protected wetland reserve and no one could build on it. That was why they bought the house. Joseph Bakstis questioned the type of house being built. Keith Rosenfeld said they have no control over what kind of house is built. Lars Johnson asked Keith to tell Mr. Jacobi why the house was placed where it was. Mr. Rosenfeld said it was placed there to allow the home to be built with the least amount of impact to the wetlands. Commissioner Bakstis said it is not the desire of the Commission to deny anybody from building on their property. He feels this is a much better alternative than what was previously submitted. This plan will have less impact to the wetland. He feels the applicant provided the best solution to a difficult problem. Attorney Hess noted the Commission had received staff recommendations and thought they might want to look at them. Joseph Bakstis read the engineering recommendations into the record dated January 15, 2009. He noted he does not agree with #2. Keith Rosenfeld said he would recommend posting signage every 100 ft. on the border between the house property and the wetland area.

VOTED: 3-1-0 On a motion by Sally MacKenzie and seconded by Jeff Hayden to **APPROVE** the alternate plan for property located at Lot #107 Maple Hill Road, RJ Starr Design and Build with conditions and the specific condition the stone wall on the westerly side be extended to the street line.

Lars Johnson opposed the motion.

1. That the functionality of the existing wetlands on site is to be protected and preserved during the proposed house construction and associated excavation and filling of the site, and enhance if possible with the proposed wetlands creation. Recognized functionality of the wetlands includes, but is not necessarily limited to storm water detention and treatment, groundwater recharge, habitat for native species of flora and fauna and urban relief in the form of open space and stress-reducing natural buffer area.
2. That the site shall be monitored as set forth in the Wetland Creation Plan by Soil Resource Consultants with timely reports being forwarded to the Inland Wetlands Commission, and as necessary, that independent oversight be conducted by the Borough Engineer or Assistant Borough Engineer or another wetlands remediation specialist.
3. That there be no impact upon the property across May Street due to the proposed construction or wetlands creation.

4. That placards or signs shall be placed at suitable intervals along the edge of the wetlands as determined by the Commission, per recommendation of the WEO.
5. That the inland Wetlands Commission be satisfied that the proposed wetlands creation and mitigation are fully functional before closing the file on the proposed project.
6. Prior to the creation of the driveway or other impervious surface area created, the applicant shall construct and make functional all storm water drainage improvements.
7. 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.
8. All regulated areas except as impacted by approved plans are to be documented as conservation easements and recorded in the Naugatuck Land Records.
9. Prior to the receipt of a building permit, all Inland Wetland Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck.
10. Prior to the commencement of any site clearing and pre-construction phase, applicant shall demarcate the edge of disturbance limits.
11. Prior to the receipt of a building permit, a Sediment and Erosion Control Bond shall be submitted to the Borough of Naugatuck, as recommended by the Borough Engineer.

The Commission took a 10 minute break at 8:36 P.M. and reconvened the meeting at 8:45 P.M.

- D. Commission discussion on Lot #13 Farmstead Lane, Westover Hills Subdivision. Keith Rosenfeld noted the Commission was given information at last month's meeting. Wayne Zirolli stated that Ken Stevens, Soil Scientist, determined there was no imminent change to the wetlands. Mr. Stevens suggested leaving the stock pile as it is. Wayne would conquer, if it's stabilized, to leave it the way it is. Keith Rosenfeld said the Planning Commission gave an approval to alter that pile in order to obtain a 2 to 1 slope, but one of their conditions was that any change in the land would have to come before the wetland commission. Mary Davis stated this item can be taken off the agenda.
- E. Commission discussion on Gunntown Park. Keith Rosenfeld stated there is no work being done because of the winter. The disturbed areas have been stabilized. He stated they will be meeting next week. He noted this is a very political issue. They are holding tight to see if activity will commence in the spring. Mary Davis asked if there will be no activity until March or April. Mr. Rosenfeld said she is correct.

4. **CORRESPONDENCE**
No Correspondence.

5. **WEO REPORT**

A. Rubber Avenue, Long Meadow Brook, Spinelli.

Keith Rosenfeld noted this item should be kept on the agenda. The silt fence is up and functioning. He stated they are still waiting for the site to be stabilized with mulch and plantings. He said he has not heard from Mr. Spinelli, but has spoken with his attorney, Michael McVerry.

6. **VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** December 14, 2008 site walk minutes as presented.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joseph Bakstis to **APPROVE** the January 8th Special Meeting minutes with corrections.

VOTED: 4:0:1 With a motion by Joseph Bakstis and seconded by Jeff Hayden to **APPROVE** the January 10th site walk minutes as presented. Mary Davis abstained from voting.

7. **ADMINISTRATIVE BUSINESS**

8. **ADJOURNMENT**

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Jeffrey Hayden to **ADJOURN** the meeting at 9:02 P.M.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb