

**CONTINUED PUBLIC HEARING
FOR PROPOSED SUBDIVISION FOR ANDERSON MILLS
SUBDIVISION LOCATED ON MILL ST AND FIELD ST.
(IW#08-10), NAUGATUCK, CT.
APPLICANT: ANDERSON MILLS LLC
January 8, 2009**

Mary Davis continued the Public Hearing at 6:30 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, Assit. Boro Engineer
Rachel Brainard, Secretary
Public:10

Keith Rosenfeld handed the Commission a report dated December 31st from the Assistant Borough Engineer Wayne Zirolli. Mr. Rosenfeld received a response on January 4th from South West Conservation District regarding the wetlands flagging and the questions the Commission had at the site walk. Mr. Rosenfeld also had received a letter on January 8th from Attorney McVerry with a report from the Soil Scientist. Attorney Michael McVerry, representing the applicant, reviewed the application with the Commission. He noted at the Commission's request, their soil scientist reassessed the rear Lots #6 and #7. Paul Benevich, PE the applicant's engineer, stated the plans have been revised with a date of January 7th. He handed the Commission new copies. He stated they had made some changes in response to Wayne Zirolli's report. They put back the driveway site line table, moved the silt fence 50 feet out of the regulated areas on Lots #8, #9, and #11, and added the detail for the stonewall. Mr. Benevich feels there is a sufficient barrier to protect the wetlands once the site is stabilized. He noted that a berm can not be put in because it would require an easement from the property owner, and he doesn't see a need for it. They will be saving the mature trees on Lots #7 and #11. He noted there is nothing they can do with the driveway on Lot #11 because of the storm water management; it would go against the subdivision regulations if they reduced the size of the driveway. He also feels the underground galleys will meet the subdivision regulations for storm water. Joseph Bakstis said on the South West Conservation District report it stated the developer had a desire for a conservation area for the 50 ft wetlands buffer. He asked if they would be using signage. There was a discussion over the conservation area. Attorney McVerry said the applicant did not have a problem with putting up signage. Mary Davis stated if nothing is put up in the 50 foot buffer area which extends into some of the lots, then there will be no way to make the residents aware. She feels there needs to be something in that area. Commissioner Davis stated she would like to see a stone wall there. Attorney McVerry said this would be imposing a financial burden on the applicant, which he feels would not serve a purpose. Mary Davis said its purpose would be to keep people out of the buffer. Commissioner Bakstis questioned on Lots #2 through #7 that the buildable area extends within the 50 foot upland boundary. It was explained by the town planner that this was

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allowable under the Zoning Regulations. Mr. Benevich agreed with him. Jeff Hayden suggested the applicant use a low fence instead of a stone wall. He noted it would be an inexpensive solution and when inspections are done of the easement it would be obvious if a chunk of fence was missing. Thomas Pietras, Soil Scientist, said he had been out to the property this morning. He verified the wetland flags are accurate and there are no wetlands outside of the flagged area. He said he is not in favor of swales in the rear lots. He noted there would be soil disturbance and interference with shrubs that already exist. He said the underground galleys will filter and collect any water. He noted that in other subdivisions the buffer areas are demarked on posts that are combined with split rail fence. Mary Davis asked how long the fence would last. Mr. Piearas said about 15-20 years, but the area will be delineated with natural growth behind the fence. Attorney McVerry said they could also attach with the easement on the deed that the property owner be responsible to maintain the fence. Joseph Bakstis said he liked both ideas.

Public Comment:

Eileen Bronko, 34 Fairfield Court, is asking that the low walls on the 2 interior lots be continued around the property. She is concerned for the wetland area and isn't sure the markers would be effective.

Mary Davis noted that Mrs. Bronko missed part of the meeting and noted they did offer an alternative because the stone wall would be too expensive. Wayne Zirolli stated he did a site walk today to inspect the area were the neighbors had complained about the drainage issue. He inspected the drain and did not see any concern for it. He noted some of the neighboring properties might have wetlands on them. The proposed plan is for zero runoff, so he doesn't see where it would add to their problems.

Mary Davis closed the Public Hearing at 7:25 P.M.

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**PUBLIC HEARING
REGARDING LITIGATION INVOLVING
RJ STARR DESIGN & BUILD LLC FOR PROPERTY LOCATED
AT LOT #107 MAPLE HILL ROAD
NAUGATUCK, CT.
January 8, 2009**

Joseph Bakstis opened the Public Hearing at 7:27 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:7

Mary Davis recused herself and turned the meeting over to Vice Chair Bakstis. Attorney Hess, representing the town, said he wanted to make 2 procedural points. Legally this is not a Public Hearing; it is a public meeting in which the public can participate. They do not have normal Public Hearing time limit requirements. He noted that Vincent Lorusso has interest in this litigation and that Mr. Bakstis has had litigation with Mr. Lorusso and asked if they would request that Mr. Bakstis recuse himself from the meeting as well. Attorney Franklin Pilicy, representing the applicant, said the litigation Attorney Hess is speaking of was along time ago and they are not requesting that Joseph Bakstis recuse himself from this meeting. Keith Rosenfeld handed the Commission information he received on January 5th from the applicant which consisted of new drawings and a legal description of the 15 foot easement. He read it into the record. Attorney Pilicy explained the case and noted it is actively before mediation. He stated that on October 28, 2008 the Naugatuck ZBA granted a front yard variance. He said he had a meeting a few weeks ago with the Borough staff to discuss suggestion for the plan. He noted the Borough was not granted an easement for the pump station, but the applicant is willing to grant an easement. The applicant is asking instead of constructing a continuous stone wall they would like to construct a picket fence with posts that mark the wetlands. David Lord, soil scientist, went over his report dated December 27, 2008 regarding the wetland creation plan. He discussed the location of the house and the short rock retaining wall. He stated the delineated wetland area would be the rear and side of the house. There would be 1800 square feet of impacted wetland area. They will mitigate same amount of disturbed area. There was a brief overview of the design sequence. He noted there would be post completion maintenance and monitoring program in which the Commission would receive photos and reports from him. He discussed the wetlands creation and went through working examples of them. He noted the wetlands impact would be reduced by 2,000 square feet from the previous plan. Joseph Bakstis asked how the newly created wetland would be impacted by its closer location to the road. He asked what the slopes were like on May Street. Mr. Lord said the road is lower and there is a slight ridge between the road and the new wetlands. He said there would be no drainage because there is high ground between them. There is a 1 to 2 foot difference in elevation. Sally MacKenzie asked if the

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soil that is excavated would go where the house will be built. Mr. Lord answered yes, it will be utilized on the site. Joseph Bakstis asked about the maintenance to the existing drainage pipe. Wayne Zirolli said the easement will allow for the pipe maintenance. Attorney Hess said he would like both engineers to double check to make sure there will be no impact to the property across the street. Attorney Pilicy said this was brought up at the ZBA meeting. He said that Scott Meyers met with the neighbor and she was satisfied that there will be no impact, but he has no issue with the Borough engineer looking into it.

A site walk was scheduled for Saturday January 10, 2009 at 9:00 A.M.

Wayne Zirolli read his report dated December 31, 2008 into the record. Keith Rosenfeld noted the Commission had received a list of possible consultants who would help review the plans. He noted the assistant engineer is still reviewing the plans and they will hold off for now to see if Wayne along with the Borough Engineer provide the expertise to review the plans. Sally MacKenzie stated that Attorney Pilicy pointed out earlier a request for a picket fence, but in Wayne's report he stated he would want a concrete base wall. She said she feels there is a need for the stone wall. Attorney Pilicy said he feels the wall would serve a purpose at the rear of the house, but it is not needed on the side. He would like to modify the request to only use the stone wall in the back. Keith Rosenfeld stated it sounded like a workable alternative. Joseph Bakstis noted on the last application there was a pile of mulch. David Lord pointed on the plans where the pile of wood chips are and noted it was located on the outside of the wetland area and they will remove it.

There was no Public Comment.

At 8:34 P.M. the Commission called for a 5 minute recess.

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**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 8, 2009**

Mary Davis opened the Public Hearing at 8:40 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: 5

Keith Rosenfeld noted the Commission had recieved the copies of the section they are looking to amend. The Public Hearing was advertised in the paper and the copies of the changes have been sent to the DEP. On January 5th he received a response from DEP. They gave some additional information; most of what we already have, but some that we don't. He said they will give Attorney Hess the information after the Public Hearing and we will seek his recommendation for the next meeting.

Public Comment:

James Warren, Capital Heavy Hauling, LLC, asked if the change goes through will there be a date when it will be implicated. Keith Rosenfeld said the Commission will have to set an effective date. Jeff Hayden said that anything submitted prior to that would be grandfathered in.

Mary Davis continued the Public Hearing to Thursday January 15, 2009 at 6:00 P.M.

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**INLAND AND WETLANDS COMMISSION
SPECIAL MEETING
January 8, 2009**

Mary Davis called this 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
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. She wished everyone a Happy New Year.
2. Executive Session regarding the pending litigation.
VOTED: Unanimously on a motion by Joseph Bakstis to enter into executive session at 6:04 P.M. with the option of inviting staff if needed.
The Commission exited executive session at 6:15 P.M.
Jeff Hayden arrived to the meeting at 6:10 P.M.
Mary Davis appointed Lars Johnson a regular voting member to fill the vacant position.
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.
This item was continued to the next meeting.
 - 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.
This item was continued to the next meeting.
 - C. Commission discussion/decision regarding litigation involving RJ Starr Design & Build LLC for property located at Lot #107 Maple Hill Road, Naugatuck, CT.
This item was continued to the next meeting.
 - D. Commission decision regarding stipulation for judgment (fifth draft) for Primrose Companies LLC vs Naugatuck Inland Wetlands and Watercourses Commission, authorize chairperson to sign said stipulation agreement and permit Borough Attorney Fuller to settle all relevant litigation.
Keith Rosenfeld handed the Commission a copy of the December 12th final stipulated agreement. Mary Davis asked if it was any different from the last one

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they received. Mr. Rosenfeld answered no. Mary Davis stated they had received a letter from Attorney Fuller.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Jeff Hayden to **AUTHORIZE** Mary Davis to sign the stipulated agreement and permit Borough Attorney Fuller to settle all relevant litigation.

- E. Commission discussion on Lot #13 Farmstead Lane, Westover Hills Subdivision. Keith Rosenfeld handed the Commission a fax he received on January 6th from Attorney Barry Knott which provides response to the letter he wrote to Rocco. Keith suggested the Commission review it and have a discussion at the next meeting.

4. NEW BUSINESS

- A. Commission discussion on Gunntown Park.

Keith Rosenfeld read his report dated December 10th into the record. He noted it is currently being reviewed by the Borough Engineer and he will hopefully have a report for the next meeting. He stated that because of the holidays he has not met with all the other Borough employees, but a meeting will be scheduled in the near future. Mary Davis noted the Inland Wetland permit had been extended.

- B. Commission acceptance/discussion Inland Wetland Application for a proposed Industrial Park located on Prospect St. (IW #09-01) Applicant: Capital Heavy Hauling.

James Warren, applicant, stated that because the regulations will be amended he is asking the Commission to review his plans and set a Public Hearing now so that he will be grandfathered in. His plans have been prepared with the 50 foot buffer. He said that once the Commission reviews his plans then he can meet with the Borough staff. Mr. Warren said he reviewed Keith Rosenfeld's report regarding his application that was faxed to him today. He stated he did receive authorization from the property owner and had submitted that with his previous application for wetland crossing in June 2008. He noted that he will be having a closing on the property soon and it will then be in his name.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joseph Bakstis to **ACCEPT** Inland Wetland application for a proposed Industrial Park located on Prospect St (IW #09-01).

James Warren stated they will have a conservation easement which will not have any grading done to it and will stay in its natural state. Paul Benevich, engineer for the applicant, said they have spoken to CT Water and they added a water main to their plans. He stated the only direct impact to the wetlands is the installation of the water/sewage main. This crossing will be done in approximately 1 to 2 days and will have an 8 inch sleeve. Joseph Bakstis stated that in the past the Commission is not happy with applicants digging in streams. Mr. Warren stated they will have a temporary berm.

The Commission scheduled a Public Hearing for March 4, 2009 at 6:30 P.M.

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5. CORRESPONDENCE

Keith Rosenfeld handed the Commission an informational memo on Special Meetings that was given to him by Diana Raczowski and asked to submit to all Land Use Commissions. He also gave the Commission a schedule of all the town meetings for 2009.

The Mayor asked him to pass out a handout from the Regional Planning Commission Seminar he attended.

Keith Rosenfeld handed the Commission a copy of the lawsuit for Real Rock Associates and the Planning Commission.

Mr. Rosenfeld gave the Commission his site walk minutes for Anderson Mills.

6. WEO REPORT

A. Rubber Avenue, Long Meadow Brook, Spinelli

Keith Rosenfeld sent Mr. Spinelli a letter dated December 9th but has not yet heard from him. He noted he has done regular inspections of the property. He spoke with Attorney McVerry who is representing the applicant. He believed Mr. Spinelli will complete the project with mulch. He feels they should keep this open for discussion until it is resolved.

B. 620 Wooster Street, Howard

Keith Rosenfeld stated Mr. Howard came in with an application and has paid the fees. The file is complete and can now be closed.

C. 381 Rubber Avenue, A Better Way Auto

Keith Rosenfeld did a report for the Commission. He noted that the wetland portion has been done to the property. He referred this item to the Zoning Enforcement Officer for a zoning report. He noted there is well under 53 cars on the site. He has spoken to the property owner and there are no cars being washed on the property.

- 7. VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Jeff Hayden to **APPROVE** December meeting minutes as submitted. The site walk minutes will be approved at the January 15th Special Meeting.

8. ADMINISTRATIVE BUSINESS

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to reschedule April's meeting to a Special Meeting on April 8th.

9. ADJOURNMENT

On a motion by Sally MacKenzie and seconded by Joseph Bakstis the meeting was adjourned at 9:30 PM.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb

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