

**INLAND AND WETLANDS COMMISSION  
SPECIAL MEETING  
September 9, 2009**

Mary Davis called this Special meeting to order at 6:05 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  
Wayne Zirolli, 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. OLD BUSINESS**

- A. Commission discussion/decision for wetlands activities associated with the rehabilitation of JH Whittemore Bridge over Naugatuck River Maple Street (IW #09-05). Applicant: Borough of Naugatuck.

Mary Davis stated the Commission had received some reports on this application. Keith Rosenfeld stated the applicant had amended the plans to show the changes required by the DEP Fisheries report. Mary Davis asked for a copy of the amended plans which incorporate those changes. Commissioner Davis asked Jeff Hayden if he listened to the recording of the August meeting because he was absent. Jeff Hayden answered yes.

**VOTED:** Unanimously on a motion by Joseph Bakstis seconded by Sally MacKenzie that the applicant has shown the most recent plans are the most feasible and pertinent alternative.

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** the application for wetlands activities associated with the rehabilitation of JH Whittemore Bridge over Naugatuck River Maple Street (IW #09-05). Applicant: Borough of Naugatuck with the following conditions:

1. All conditions set forth by relevant local, state and federal agencies are incorporated in the conditions of approval.
2. 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.
3. Prior to the commencement of work within the watercourse, the applicant shall notify the Wetlands Enforcement Officer and ZEO, to ensure the installation of the required erosion and sedimentation controls.
4. The applicant shall conduct sediment and erosion control inspections following each significant storm event equal to or greater than one inch of rain. A report summarizing their inspection shall be submitted to the Borough's Wetlands Enforcement Officer immediately following each inspection.
5. Prior to the commencement of work, a Bond shall be submitted to the Borough of Naugatuck from the contractor, as recommended by the Borough Engineer.

6. This permit shall be valid for a period of 5 years from the date of issue. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the Borough of Naugatuck.
7. The permittee shall notify the Inland Wetlands Commission immediately upon the commencement of work and upon its completion.
8. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation.
9. In evaluation of this application, the Commission has relied on information provided by the applicant. If such information subsequently proves to be false, incomplete or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
10. The permittee shall employ best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses. The permittee shall immediately inform the commission of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work.
11. This permit is subject to and does not derogate any rights or powers of the Borough of Naugatuck, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state and local law. In conduction or maintaining any activities authorized herein, the permittee may not cause pollution, impairment or destruction of the inland wetlands and watercourses of Naugatuck.
12. Timely implementation and maintenance of sediment and erosion control measures are a condition of this permit.

**B. Commission discussion concerning activity at Gunntown Park.**

Wayne Zirolli stated he had been out to the site and they have finished grading the stock pile of sand. The top soil pile is the only thing left to do. He stated the erosion controls are fine and there is no steep bank along the gas pipe line.

**C. Commission discussion/decision for IW violation regarding a detention pond with Pondsides Condominium Complex, Naugatuck CT. Owners: DA Rich Company, LLC.**

Keith Rosenfeld stated he did an inspection of the pipe. He received an email from Mr. Baummer. He said the previous files are incomplete and there is no record of what he is talking about. He recommends referring this matter to the town attorney questioning what jurisdiction they would have over this matter.

- D.** Commission discussion/decision for wetlands activities associated with brook side improvements at Long Meadow Brook (IW #09-06) located at 110 Rubber Avenue. Applicant: Borough of Naugatuck.

Wayne Zirolli went over the amendments made to the plans. He noted they extended the parking lot edge, added the grass swale, and the storm water insert at catch basin #2. He stated that all the storm water will be treated before entering into the brook. Mr. Zirolli said they will be providing a little patio area. Sally MacKenzie asked about the scrub brush on the opposite side of the brook which was to be removed on the last application. Wayne Zirolli said it was privately owned and they have no jurisdiction. Jim Stewart said it was his opinion that this application was much better than the previous one. Joseph Bakstis questioned the maintenance of the catch basins and whether the club would be responsible for cleaning them and if there would be a set schedule. Mr. Zirolli said the club would be responsible and they are aware of the maintenance needed. Keith Rosenfeld said it was the wish of the engineering department to modify the previously approved application IW #08-05. Mary Davis said the application form needs to say modify on it, because it appears it is a new plan. Mr. Rosenfeld stated the impacts are less than the original plan and those previous approved conditions would stay. He read the conditions of the previous approval.

**VOTED:** Unanimously on a motion by Jeff Hayden and seconded by Sally MacKenzie to **APPROVE** the modification of the approved plan IW #08-05 brook side improvements located at 110 Rubber Avenue Applicant: Borough of Naugatuck with the conditions that were set forth in the original plan specifically citing that maintenance of the catch basins and the siltation bags be cleaned out every 6 months or after 6 inches of rain by the Portuguese Club.

- E.** Commission discussion on renewal of IW #04-06 application for Rehabilitation of Bridge #03713 located at Rubber Avenue over Long Meadow Pond Brook  
Jim Stewart arrived at the meeting at 6:45 P.M. Commissioner Davis asked Mr. Stewart to give the Commission background information about the application. Jim Stewart said he would defer construction questions to Peter Perkins because he would be best to explain it. Peter Perkins from Cliff Harbor Associates explained in detail what work would be done to the bridge. He stated they will be re-pointing the face of masonry abutments, placing sand bags in the work area and a silt curtain outside of that. He said they are only going to grout down to the existing ground which was changed from the original plans. He noted the excavation will be minimal to the site. Mary Davis asked how they will get the materials in there. Peter Perkins answered by back hoe. He said everything will be brought down from the bridge deck and the vehicles will park in the road. Commissioner Davis stated it is a fast flowing brook and said there will have to be a diversion in order for someone to be able to get in to do the work. Jim Stewart noted the construction is planned for the summer when the

flow is low. It will be a 3 month long project. Jeff Hayden asked how long the re-pointing takes. Mr. Perkins said it could take a week for re-abutment on one side. He noted they will be pulling out the center point which is not needed. Joseph Bakstis said he like that and felt it was a big plus. Mr. Stewart said it would be completed while school was out in the summer of 2010. Commissioner Bakstis said he felt comfortable with what was discussed. Mary Davis said she felt they will have to do a waiver because if they do this it will set precedence for other applicants. Jim Stewart apologized they did not get this to her before the 65 days, but noted they were here before the expiration date. He noted that in this case they were not conducting the work. Peter Perkins noted the bridge was rated poor by the DEP so it is a safety issue.

**VOTED:** Unanimously with a motion by Sally MacKenzie and seconded by Jeff Hayden to **EXTEND** IW #04-06 application for Rehabilitation of Bridge #03713 located at Rubber Avenue over Long Meadow Pond Brook for another 5 years because the construction was delayed regarding bids that were too high in cost to do within the allotted time, funds were not available for the cost but now they are, because it was rated by the DEP as being in very poor condition and needed to have attention soon because it is a safety issue, there was no substantial changes, the circumstances which would require a new permit and no enforcement action has been taken by the WEO. The Commission is waving their regulations in order to extend this permit because the time frame expired for the date of submittal for renewal.

### **3. NEW BUSINESS**

#### **A. Commission discussion/decision on Westover Hills detention pond.**

Keith Rosenfeld gave a brief background of the detention pond. He stated that the Planning Commission has discussed it and came up with a plan that improves it. They will now be removing less rock material, do less grading to make it safer, include a series of plantings to make it more beautiful and a better environment for wildlife, install a decorative aluminum fence in the area at the top of the slope and then a chain link fence in the areas which currently present a danger to the public.

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Jeff Hayden that the detention pond improvement changed plans dated July 31, 2009 are **APPROVED** by this Commission.

#### **B. Commission discussion/decision on the placement of rock in a regulated area located at 145 Union City Road.**

Joseph Savarese stated he was cited for dumping rock in a regulated area, which he disagrees with.

Mary Davis called for a 10 minute break so that Mr. Savarese could set up his computer with photos of his property at 7:18 P.M.

Mary Davis called the meeting back to order at 7:25 P.M.

Joseph Savarese showed the Commission pictures of the pond and land adjacent to it. He explained the site. He noted the driveway is within the 100ft. of wetlands. He stated they have erosion problems on the driveway. Mr. Savarese said the rocks are being brought down by hand, there is no machine work. They are being placed in

holes on the property. He noted the rocks are clean and have been washed. He stated they just want to reinforce what they have and they are not working in the water itself. He said again that the house, the driveway, and the usable property are all in the 100ft boundary. He went through the history of the pond that date back to 1978 when they bought the house. Joseph Savarese said he feels he has enough knowledge of small pond work. Keith Rosenfeld asked the Commission if it would like the notice of violation to be rescinded. Mary Davis said she did not consider this a violation. Joseph Bakstis asked if he also wanted to repair the rip rap. Mr. Savarese answered yes. The Commission agreed there was no violation.

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **RESCIND** the notice of violation.

Mary Davis stated he would need a wetlands permit to work down near the pond, but feels he should not be charged an application fee only the State DEP fee. Joseph Savarese said he is working at trying to preserve the area and make it enjoyable for the whole neighborhood. Commissioner Davis asked to keep this on the agenda so that Wayne Zirolli and the town can work to address the issues they are having with drainage improvements. Mrs. Davis said he can continue to work but needs to come in and fill out an application. She asked Wayne Zirolli to inspect the abandoned pipe that wasn't completely closed.

**C.** Commission discussion/decision on pollution reported by homeowner located at 145 Union City Road.

Keith Rosenfeld stated he went out to the site along with the Fire Chief to inspect but the oil had dissipated at that time. Joseph Savarese was advised to call the fire department if it happened again.

**D.** Commission discussion/decision on application to place residential addition within 100 feet upland review area located at 163 Margaret Circle (IW#09-07) Applicant: Patricia and Roger Bolduc.

Mary Davis asked if the application was complete. Keith Rosenfeld answered yes and noted it included pictures and a narrative of what will take place. He stated that Steve Macary measured out 53 feet from the watercourse. He noted that based on their inspection he feels this application should be approved with basic conditions. He also recommended placing erosion control during constructions and work with the area solely on the plan. There was a discussion over whether gutters would be used on the addition. Wayne Zirolli suggested possible galleries for the addition and Mary Davis suggested the installation of a rain garden. Mary Davis asked Keith Rosenfeld to give the applicant the handout information on rain gardens.

**VOTED:** Unanimously on a motion by Joseph Bakstis to **APPROVE** application to place residential addition within 100 feet upland review area located at 163 Margaret Circle (IW#09-07) Applicant: Patricia and Roger Bolduc and seconded by Jeff Hayden with the following specific and general wetland conditions:

1. The water from any addition not drain into the stream but be brought into a rain garden.
2. Have the standard erosion control measures in place.

4. **CORRESPONDENCE**

Mary Davis said she had received a letter from Attorney Fitzpatrick regarding the Public Act which took effect July 1, 2009. She read part of the letter into the record. The WEO would make copies for the Commission members.

5. **WEO REPORT**

No WEO report.

6. **VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** August 5, 2009 minutes with corrections.

7. **ADMINISTRATIVE BUSINESS**

8. **ADJOURNMENT**

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Jeff Hayden to **ADJOURN** the meeting at 9:05 P.M.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb