

**INLAND AND WETLANDS COMMISSION  
REGULAR MEETING  
December 2, 2009**

Mary Davis called this Regular meeting to order at 6:00 PM with the following in attendance:

**MEMBERS:**

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

**OTHER:**

Keith Rosenfeld, Town Planner, WEO  
Wayne Zirolli, Borough Engineer, absent  
Rachel Brainard, Secretary  
Attorney Ned Fitzpatrick

1. Mary Davis took attendance. She noted there was a quorum and opened the meeting with the Pledge of Allegiance. She placed Lars Johnson as a regular voting member.
2. There was no executive session.
3. **OLD BUSINESS**
  - A. Commission discussion concerning activity at Gunntown Park.  
Keith Rosenfeld reported that all erosion controls are working properly. Mary Davis asked if the grass was planted. Mr. Rosenfeld answered yes because they had a couple of weeks of sunshine and rain before the first frost. Chairwomen Davis said this item could be taken off the agenda. Keith Rosenfeld stated he will report back to the Commission if there are any changes.
  - B. Commission discussion for the detention pond with Pondsides Condominium.  
Attorney Ned Fitzpatrick, Borough Attorney, said that he had received the original approval map which was forwarded to him from Keith Rosenfeld. He also reviewed Mr. Baummer's complaint regarding the problem with the drainage pipe. He noted the maintenance to the pipe has been ongoing and that staff has reported that it is working well. It is his opinion that this is now a private matter between Mr. Baummer and D.A. Rich Company. Attorney Fitzpatrick was told by Attorney McSherry, representing Mr. Baummer, that Mr. Baummer feels the pipe size is inadequate. He feels they should wait to see if it affects the wetlands. Attorney Kevin McSherry, representing Mr. Baummer stated he has not gone out to view the pipe himself yet. He said that Mr. Baummer is concerned that in the future they will have problems. He feels that if they continue the maintenance to the pipe then they don't see there being any issues. He stated he will meet with Mr. Baummer at the site and discuss if he has any additional concerns. Keith Rosenfeld said that he has not heard from Mr. Baummer in a few months. Chairwoman Davis stated it is out of the Commission's hands if it is functioning properly.

- C. Report from Borough Engineer regarding storm water/drainage issues located within the Union City Road neighborhood.  
Keith Rosenfeld stated that Wayne Zirolli, Borough Engineer could not make the meeting tonight but that they received his email in their meeting packets regarding the installed weir.
- D. Commission discussion/decision of proposed Naugatuck Commission Procedural Format.  
Attorney Fitzpatrick stated he would like to table this item until next months meeting. Mary Davis said she felt this should be an entire land use format, not focused on the Inland Wetland Commission. She feels this way people will know what the procedures of the land use meetings are. Attorney Fitzpatrick noted that a lot of the Commissions have a Public Comments section on the agenda. Mary Davis said she noticed that and was recently thinking about adding it back to the wetland agenda. Attorney Fitzpatrick said that they need to note that the Public Comment should be on items that are not already listed on the agenda and usually the chair states this at the beginning of the meeting. He discussed with the Commission some examples of things that take place during the meetings. He noted that currently the agendas are light so this is the ideal time to handle these matters.
- E. Commission discussion of newly created tax form and amendment to Section 7.5.4 of the Naugatuck Wetland Regulations.  
Attorney Fitzpatrick said that he had no problem with the way this was drafted. Keith Rosenfeld noted the Commission would need to have a public hearing for this amendment. He stated that he had sent information from the previously held workshops to the Commission in their meeting packets. Mary Davis said she felt the tax form is very important and they shouldn't delay in amending the regulations. Attorney Fitzpatrick noted that currently the staff is letting applicants know this is how you interpret the section. Commissioner Davis told Keith Rosenfeld to schedule a Public Hearing for the January meeting.
- F. Commission discussion on Inland Wetland Violation for activities at 40 Trout Brook Drive, Barbara Sanders.  
Commissioner Davis asked if we had received a report from South West Conservation District. Keith Rosenfeld answered no. He stated he has been trying to contact the Sanders but has not been successful. He reported that he had gone out to inspect the property and the silt fence is in the backyard but it is lying down because it was not installed correctly. Sally MacKenzie suggested sending a letter along with installation instructions. Joseph Bakstis suggested it be a certified letter. Mary Davis said to send a letter and then in two weeks inspect the property and if nothing has been corrected then to send a cease and desist letter.

4. **NEW BUSINESS**

- A. There was no new business.

5. **CORRESPONDENCE**

Attorney Fitzpatrick presented the Commission with two CT Supreme Court decisions affecting Wetland Commissions. One of the cases dealt with expert testimonies. There was a discussion regarding this issue.

6. **WEO REPORT**

Keith Rosenfeld reported on activities on Hill Road that he was asked to inspect. He noted woodchips that were placed on the top level of a parking area. He spoke with the owner regarding the placement of the woodchips. He went and did another inspection and noted the area looks to be stable and there is no material going into the brook. He did not feel this was having a negative affect on the watercourse. There was no need for a permit and no violations were taking place. The Commission thanked him for bringing it to their attention and confirmed his findings. The Commission agreed.

7. November meeting minutes were tabled until January's meeting.

8. **ADMINISTRATIVE BUSINESS**

Mary Davis stated the only item she wanted to discuss was the addition of the Public Comment to the agenda which was already discussed tonight. She would like it to be placed before Old Business.

9. **ADJOURNMENT**

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **ADJOURN** the meeting at 7:00 P.M.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb