

**CONTINUED PUBLIC HEARING FOR  
WATER CROSSING FULLING MILL BROOK COMMONS  
(IW#09-03) LOCATED ON PROSPECT STREET.  
APPLICANT: ONSI TAWADROS  
July 1, 2009**

Mary Davis opened the Public Hearing at 6:45 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  
James Stewart, Boro Engineer  
Rachel Brainard, Secretary  
Public: 7

Arnold Weisman, engineer for applicant, stated the plans have been updated. He stated there was a discussion with the land owner over the Commission's concern for approving a crossing without knowing what is proposed for the site. He submitted the proposed use of the property once the crossing is approved. The site would be developed as residential property. There will be 3,600 sq ft of wetland impact. There will be no impact to the wetlands upstream or downstream. He stated there will be some excavation and fill brought to the site. Mr. Weisman stated there will be no work done at the top of the property. They want to build a structure to get across, do the excavation, and then there will be minor filling. He stated they raised the elevation 5 feet on the eastern side of the property. They will be taking water and sewer from the town. The proposed plans are not finalized. They show the storm water system, grading and stockpiling. Mary Davis said that for months they have only been looking at plans for a brook crossing, now they have these plans to reconsider. She questioned the type of crossing they are proposing. Arnold Weisman said the site is not going to be used as commercial. It will be low density residential which would not support a full structure bridge. They will put in sediment controls, leave the stream open and direct the stream in the higher pipe temporarily, then put in the second pipe. Mr. Weisman discussed with the Commission the process of constructing the crossing and the placement of the barrels in the stream. He stated it is designed for a 100 year storm. He noted it is less impact than doing a single structure. Jim Stewart said the 2 pipes do have the capacity to hold the water per the calculations given, but there is an issue with the velocity. Mary Davis stated her opinion on what type of crossing should be put in, an open bottom culvert just like the one approved upstream. Arnold Weisman said that is a commercial site.

**Public Comment:**

Phoebe Drown, 439 Prospect Street, said the map looks like the one she got many months ago. She said she wants to protect her house. She is not concerned over how many homes will be built, but it seems like a lot to put in there. They will have excavating to do and will have to blast. She is concerned over the highway. She said a lot of things have to be done, and a lot of money spent before he can do what he wants. She showed the Commission pictures of the stream.

Pete Sabal, 464 Prospect Street, an adjoining property owner westerly of the site, is concerned that the pipes may not be sized correctly. He said the brook is large and is a roaring river.

Mary Davis noted that the plans presented to them do not state they are preliminary. Keith Rosenfeld said the Commission will only be approving the crossing and the applicant will have to come back for any building approval. Arthur Weisman reiterated these are preliminary plans, they are not final and they were brought before the Commission because they had asked for them. He stated that 99.9% of the flow in the river is not from this property, it's from upstream. He said they will be creating a detention pond so there will be zero increase to the discharge. This is what the DEP requires. This is why the pipe size is designed to take the capacity. He feels they are being more than cautious so there is no impact to the neighbors. Sally MacKenzie asked if this proposed crossing is larger than the Maple Hill crossing. Onsi Tawadros, property owner stated that the Maple Hill Road arch crossing is 16 feet wide and they are proposing an 18 foot wide crossing. There is no concern of clogging, if any, it would be upstream not in their area. Lars Johnson stated it is a heavy wooded area, and if there is a wide open area then clogging is more likely to occur. Jeff Hayden felt the biggest issue on the final night of the Public Hearing he is willing to look at the 2 pipe idea, but he feels they do not have enough information. Onsi Tawadros said he does not understand the problem. He has constructed bridges for 31 years. He deals with the state and the DEP regularly. He has met all the requirements and he feels there is less impact on the brook with the 2 pipes. Mary Davis said the long term impact is their concern. She feels they should have proposed a bottomless culvert. Mary Davis closed the Public Hearing at 7:53 P.M.

**INLAND AND WETLANDS COMMISSION  
REGULAR MEETING  
July 1, 2009**

Mary Davis called this Regular 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  
Jeff Hayden - absent

**OTHER:**

Keith Rosenfeld, Town Planner, WEO  
James Stewart, Boro Engineer  
Rachel Brainard, Secretary

1. Mary Davis took attendance; she placed Lars Johnson as a regular voting member in the vacant position. She noted there was a quorum and opened the meeting with the Pledge of Allegiance.  
Jeff Hayden arrived at 6:07 P.M.
2. No executive session.

### 3. OLD BUSINESS

A. Commission discussion/decision for a proposed Industrial Park (IW #09-01) located on Prospect St. Applicant: Capital Heavy Hauling.

Keith Rosenfeld stated he had submitted to the applicant a list of rain garden plantings. He noted he has given the Commission his final report and the application is complete. Joseph Bakstis wanted to give the applicant credit for meeting with SWCD and addressing the issues that were brought up. He said he would like to see this happen more often. Mary Davis stated the applicant has complied with everything SWCD required. Mr. Rosenfeld recommended that the Commission apply the special conditions as well as the regular conditions to the approval. Mary Davis questioned the 3 year limit as a condition. Keith Rosenfeld said it's meant for the activities to be completed in the first 3 years because of the extensiveness of the activities on such a large piece of property. Mary Davis stated she did not see the need for an annual review because the land use staff should be inspecting the site regularly. Joseph Bakstis said he thought it could be a good thing to have the applicant come before them annually. Jim Stewart stated they are trying to limit the length of work to lessen the time of impact to the regulated wetlands activity. Commissioner Davis said the applicant has proven he is going to do everything required. She stated she had missed the April meeting but has listened to the audio of it and feels comfortable voting tonight.

**VOTED:** Unanimously on a motion by Jeff Hayden and seconded by Joseph Bakstis to **APPROVE** the revised plans dated June 2, 2009 with specific and general conditions for proposed Industrial Park (IW #09-01) located on Prospect St. Applicant: Capital Heavy Hauling:

1. All prior conditions and/or approvals set forth by the various land use boards and commissions shall be incorporated in the record of the public hearing.
2. Site is over 5 acres, construction shall be phased and each phase must be stabilized prior to continuing on to the next phase
3. A schematic detail of the previously approved brook crossing culvert and anti-tracking pad should be added to plans.
4. 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.
5. Provide notation on plan that erosion control blankets will be installed immediately stabilize exposed soils and finished grades in and around all slopes exceeding 2:1 or greater.
6. Show all details for proposed retaining walls.
7. Provide notation on plan that the mulching of all exposed soils and finished grades should be done at the close of each operating day.
8. Prior to the creation of the driveway or other impervious surface areas 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 undisturbed regulated areas as well as their upland review areas are to be documented as conservation easements and recorded in the Naugatuck Land Records.
12. 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.
13. Prior to the commencement of any site clearing and pre-construction phase, applicant shall demarcate the edge of disturbance limits in the field.
14. Prior to the receipt of a building permit, a Sediment and Erosion Control Bond shall be submitted to Borough of Naugatuck, as recommended by the Borough Engineer.

AND following general conditions:

1. This permit shall be valid for a period of 5 years from the date of issue. If the authorized activity is not completed within the five year period said activity shall cease and, if not previously revoked or specifically renewed or extended, this permit shall be null and void. 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.
2. The permittee shall notify the Inland Wetlands Commission immediately upon the commencement of work and upon its completion.
3. 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.
4. This authorization is not transferable without written notification to the Inland Wetlands Commission and the transferee agrees to all conditions of this permit.
5. In evaluation 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.
6. 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.
7. 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.
8. If the activity authorized by the inland wetland permit also involves activity or a project which requires zoning or subdivision approval, special permit, variance or

special exception, no work pursuant to the wetland permit may begin until such approval is obtained.

9. Timely implementation and maintenance of sediment and erosion control measures are a condition of this permit. All silt fences as shown on the submitted plans shall be installed downhill from all disturbance areas. The bottom of the silt fence shall be buried a minimum of six inches into the soil and shall be backfilled with suitable material. A construction barrier must be installed five feet uphill from the silt fence to prevent the silt fence from being damaged during the construction. The silt fence must be inspected daily by the permittee or their representative.

Mary Davis called for a 5 minute break at 8:25 P.M. The meeting was reconvened at 8:30 P.M.

- B. Commission discussion/decision for Fulling Mill Brook Commons (IW#09-03) for property located on Prospect Street. Applicant: Onsi Tawadros. Keith Rosenfeld handed the Commission of list of his concerns for this application that could be used as guidelines to making a decision tonight. Mary Davis thanked him for his report and went over it. Commissioner Davis stated she does not feel they have enough information to approve this application. The applicant has not provided an alternate design Mary Davis asked the Commission if they had a copy of the stream crossing guidelines and suggested they all read it.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Joseph Bakstis to **DENY** application for Fulling Mill Brook Commons (IW#09-03) for property located on Prospect Street. Applicant: Onsi Tawadros for the following reasons: Inland Wetland Regulations Section 102.1, 10.2.2 (any feasible prudent alternative would be to come in with a plan showing a bottomless arch), 10.2.3, 10.2.6, 10.2.8, and the following reasons:

1. A sufficient water handling plan has not been submitted for construction of the brook crossing.
2. The applicant has not provided an adequate wetlands restoration and landscaping/planting plan.
3. A sufficient sequence of construction and detailed erosion and sediment control narrative has not been provided.
4. According to the engineering calculations submitted by the applicant, the down stream water velocity of the culvert is 21.33 ft. /sec. which is extremely fast and will require extensive down stream stabilization. The applicant has proposed approximately 125 feet of oversized standard rip-rap (not shown on plans). The 2002 CT S&E Guidelines recommends a maximum velocity of 10 FPS (figure PW-1). The CT/DOT Drainage manual recommends that Maximum velocities reduced below 14 fps Sec. 8.7.3. The high velocity will place extensive impacts on the Fulling Mill Brook.
5. Applicant has not presented to the Commission alternative designs and a narrative discussing why they were rejected; diagrammed on a site plan or drawing.
6. Applicant has not presented to the Commission how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses

- involved in the application, and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent.
7. Applicant has not presented to the Commission any measures, which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.
  8. Applicant has clearly not demonstrated to the Commission that the proposed construction will not have any lasting negative effects on wetlands and watercourses outside the area for which the activity is proposed.
- C. Commission discussion/decision for a proposed office building (IW#09-04) for property located on Lot 3 Great Hill Road. Applicant: Bethline Associates LLC.

Keith Rosenfeld handed the interveners information that was received today from SWCD. Attorney Kevin McSherry, attorney for the applicant, stated they had received the letter from SWCD and would like to address the alternate plan. He stated the plan addressed the neighbors issues pertaining to the underground water quality infiltration. He noted they would prefer the above ground, but both would do the same work. Ted Crawford, engineer from Milone and McBroom stated the Alternate "A" plan is in response to the comments on the detention basin on the north of the property. They moved the basin and placed the storm water system underground. The benefit of the underground infiltrators would reduce the activity in the upland review area. This will reduce the total disturbance by 4,000 sq. ft. This plan will slightly reduce the amount of material being removed off the site. He noted that the SWCD does not prefer the underground system. Mr. Crawford said they did 2 borings for ground water, and stated the hand out shows the location they were done. He said they did not observe ledge or groundwater but they will continue to check. He stated he has dealt with Valley Health and received information which leads him to believe it will not affect the existing septic. Commissioner Davis said that test pit 1 did not go down beyond the basement of the proposed building. She asked where the water table was for test pit 2. Ted Crawford said they went 30 feet down from the grade which is below the basement and did not hit the water table. He said he will send the findings to South West Conservation District. Mary Davis asked if there were any witnesses to the borings. Mr. Crawford said no one from the staff was present. Commissioner Davis asked Steve Macary if he thought it was a good idea to have a witness to this. Mr. Macary said he usually does at the request of his Commission and it is usually done with machines. Ted Crawford said he is happy to go back out there with Borough staff. Mary Davis stated they did not do anything about removing less soil. Lars Johnson asked if the soil and erosion portion contains most of the excavation on the site and asked if they would consider constructing a sharper hill on the driveway. Mr. Crawford said that it's typically not allowed to have too steep of a hill because it could potentially be hazardous especially during inclement weather. Attorney McSherry stated these issues are relevant to zoning; the size of the building, the driveway and the size of excavation. He feels like they should keep with the items that pertain to the environment and not what the Zoning Commission will deal with. Commissioner Davis said with the excavation of all the materials SWCD says it will cause problems with the water and

soil. Attorney McSherry stated this Commission decided the activity not to be significant and that SWCD comments are general.

Martin Warren, 120 East Waterbury Road, stated that because of the significant slopes and the high season water tables they should have to build in the contours of the site. He handed the Commission a DEP map on water courses and how the water travels. He disagrees with Ted Crawford saying the water goes down hill. He feels they will be diverting the water from their wells. He said the project could be done but that the applicant needs to respect the contours of the land like the rest of the buildings in the industrial park. He said this isn't about the building. They came back with a plan that has 1455 yards less of excavation. The law does not promise maximum use of the land it states reasonable use.

Hector Irizarry, 105 Union City Road, stated the plans do not show that he owns the 3 acres adjacent to their property. He said they were supposed to be dredging in the pond. Mary Davis asked if the brook fed into the pond. Ted Crawford said he believes it does.

Alan Thompson, 100 East Waterbury Road, stated he missed the previous meeting. He said the area below his property has continuous water seeping that comes out above the elevation of the pond. There is ground water flowing up and out of the ground. He said the ground water would have to pass through the property. He stated that the regulations read that you can't be with in 6 feet of ground water or bedrock. The second concern he has is at the rear of the property pertaining to the elevation of the brook which is 448 and very close to where they propose the cut they are down to 451, and that cut flows through the drainage. With those cuts they are coming into close proximity to the wetlands. Another question pertaining to the new drawing where they are proposing an infiltration system as apposed to the upper retaining pond. You're looking at an infiltration system 130 feet long, but don't see actual depth of it. The drawing shows a minimum of 54 inches and a maximum of 11 feet. This would be below the wetlands. What will stop the corner of the infiltration system from picking that water up? He noted the test pits 1 and 2 are at the upper end of the lot. He thinks that his well would be greatly affected by the water flow. He feels that any water down that hill would affect the neighboring properties. He thinks it will bring all the contamination from surrounding lots to the homes faster. He stated that he has a petition with 101 signatures which he had given to the Economic Development Commission in 2006 and it was never addressed. He feels this is the only board that can help himself and his neighbors. He is asking them to please review all the information.

Ted Crawford stated the comments from SWCD are general concerning the ground water table. He noted the ground water table is high this season. He did a site specific review of the location. They are not proposing the maximum use of the property. He noted the regulations permit a building double the size they are proposing. He stated the ground water is seeping into the pond to the west of the site. The water flows east to west, the wells and the property to the east are beyond the ground water traveling through this area. They have done borings and have not found ground water, but they will continue to monitor them. He noted that they could go deeper with the depth of excavation and take out more material. He feels this design conforms as much as possible and they are not flattening the grade around the building. Sally MacKenzie asked if he said removing 50,000 yards of material was a temporary disturbance. Ted Crawford said yes, the disturbance is temporary. He stated the property will be used for office space, and there will be no truck washing done on the property. He said the proposed plans follow the 2002 E&S Control guidelines. He noted the project was reviewed by town staff and was found to be satisfactory. Jeff Hayden asked

during the grading what the signs would be if there was ground water present. Mr. Crawford said they would see it, and then would need to have a meeting to see how they should address it. He stated they have tested the site and feel confident that they won't encounter any ground water. Mary Davis stated SWCD noted the 2002 CT Guidelines for Soil and Erosion Control Manual, chapter 3 page 37 and 38 of their report and read it into the record. She said that nothing has changed from the 1<sup>st</sup> plan to the 2<sup>nd</sup> plan; they are still modifying the site. Ted Crawford said that is one aspect to the S&E guide. He said this is a buildable lot and they are maintaining the natural vegetation and that the buildable footprint is significantly less than what is allowed and proposed the minimum number of parking spaces. They have attempted to design their storm water management system to promote infiltration. He feels they have done the best they could with this site they have been handed because this is an existing lot in the industrial park. They do conform to most of the erosion control guidelines especially pertaining to construction activities and the control of the storm water runoff from the temporary disturbance during construction. Martin Warren asked if the Commission has a copy of the PDD. Mary Davis answered yes. Ted Crawford said he would be willing to install a separating unit or sediment tank or a hydrodynamic separator prior to going into those systems to help promote cleaning that storm water if the Commission requests. Keith Rosenfeld stated he had provided a staff report to the Commission at the previous meeting. Jim Stewart noted they all agree the alternative is not a good idea with the underground infiltrator.

Mary Davis called for a break at 10:13 P.M. per the request of Jim Stewart. She called the meeting back to order at 10:16 P.M.

The Commission discussed making a decision on this application tonight. Joseph Bakstis said he was comfortable voting tonight. He stated that basically that staff had given a recommendation approval and all the reasons for approval but he couldn't believe that there was nothing that the staff did not like about the proposed application. He asked Keith if there was anything he didn't like about this application. Keith Rosenfeld brought up that they have been talking about ground water today, and this is not an issue for this Commission. Mary Davis said it is when it affects the wetlands. Sally MacKenzie agreed with her. Mr. Rosenfeld stated professional engineers have said this plan will not affect it. Lars Johnson asked if he felt we should receive a report on that. Keith Rosenfeld said they could request that from the applicant. They can ask for a third party reviewer as well. Mary Davis said they have a second party, South West, who stated it will impact wetlands. Mr. Rosenfeld said that Southwest stated this type of development may have an impact on the property and on the ground water. Jim Stewart stated the issue with the ground water is a zoning issue unless there was a situation with the ground water and the wetlands that they were digging below the ground water and they were going to dry out the wetlands then he would agree with her. Commissioner Davis said they don't know where the ground water level table is. Jim Stewart said they have done test pits and borings. Jeff Hayden motioned to ask the applicant for a letter of extension. Mary Davis told him to hold on that because we are in deliberations on this now. Commissioner Hayden felt they should ask for an extension so that Keith could go out to witness the test pits for ground water if this is one of the concerns for making an informed decision. Joseph Bakstis said he doesn't think they are lying about the test pits. Lars Johnson said he would be fine with asking for an extension because he doesn't feel he understands the information presented completely and he is not quite comfortable with making a decision. Mary Davis said she was comfortable with all the

information she has and asked again if everyone was okay. Joseph Bakstis stated again that we rely on our staff for a report and he feels that this is too much slanted towards approval and nothing negetative at all was said about it. He brought up the comments from the interveners concerning their wells and the flow of the ground water and also that the lower right hand corner is being cut three feet below the stream and that no one told us about that. Jose gave them two instances of them not addressing information. Jim Stewart stated again that if the ground water affects the well it is a zoning issue. He said they are not saying that everything is perfect. He noted that there is a hill between the wetlands and the site and they will be digging away from that. Commissioner Davis said she doesn't see how, if they take off all that material on that site, that it is not going to affect the wetlands because right in South West's report which says a development atop these type of soils and close proximity to a watercourse present a myriad of issues stemming from the mining of sand and gravel. Keith Rosenfeld said it was their opinion that the plans presented mitigated those negative impacts. Mary Davis continued to read "due to the soils proximity to the wetlands its composition, steep topographic relief and the severe erosion hazard it presents when disturbed any proposed uses should be carefully scrutinized or avoided all together." She stated that she and Joseph Bakstis for one feel there is some disturbance and staff doesn't even say there is minimal disturbance. Jim Stewart noted the Commission agreed there was not a significant activity proposed for this application. Mary Davis said we will be going into details that perhaps we shouldn't, but since staff is bringing this up, when they initially looked at the plan nobody brought up the fact that 49,000 cubic yards were going to be taken off site and she feels this is a big issue. She stated that there wasn't one word from the applicant or one word from staff saying there was a very large amount of soil being removed from the site. The commission agreed that this was true. She also stated that the report from the staff dated April 30, 2009 said that we had declared it non significant activity but that we didn't vote on this in April on this, we voted in May, and this makes the commission think that they had all ready voted on it. Keith Rosenfeld said that he gives his opinion to the Commission which they could either accept or not and in regards to the brook that is on the site and the wetlands that can be affected by this activity that it's minimal due to the fact that there are substantial pre construction, construction, and post construction erosion and sedimentation controls that mitigate any and all of the negative impact from this development. Mary Davis said she did not feel this was presented in the proper fashion to the Commission, that information was glossed over, and lack of information is as bas as incorrect information. Jeff Hayden suggested again accepting an extension from the applicant and revisiting the site with all these new facts in mind and invite all the interveners to attend so they can make an overall decision because maybe they didn't have all the facts at the initial site walk. Jeff Hayden also stated that the PDD is a zoning issue. Mary Davis said that was another issue that was never brought up and it is under their jurisdiction. Commissioner Hayden disagreed, Sally MacKenzie agreed with Mary Davis. Commissioner Davis asked Keith if there were other lots in the industrial park that were similar to this application. Mr. Rosenfeld answered yes, up the street. Mary Davis said she didn't feel she needed to go and take another look at the lot, and that she has a very good understanding of everything. Lars Johnson stated again that he was not comfortable voting this evening as he didn't understand the new plan, but it was explained that the new alternate plan was not going to be used. He did note that with the alertnate plans provided he did not see any changes with the soil removal in the south east corner. Joseph Bakstis said when we asked

for a modification they really didn't give us anything. Jeff Hayden said he feels this is a good plan for the site and in terms of the wetland impact. He noted that zoning will have their own issues.

**VOTED: 4:1:0** On a motion by Sally MacKenzie and seconded by Joseph Bakstis to **DENY** proposed office building (IW#09-04) for property located on Lot 3 Great Hill Road.

Applicant: Bethline Associates LLC for the following reasons: This application has the possibility of causing an adverse impact on wetlands and watercourses. This commission makes a finding that the proposed activity is one which will cause "unreasonable impairment of public trust".

10.2.1 Environmental impact of the proposed regulated activity on wetlands and watercourses including the effects on the inland wetland and watercourses capacity to support fish and wild life, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution and to promote public health, safety and welfare.

Development atop these types of soils in close proximity to watercourse and significant aquifers present a myriad of issues stemming from the mining of sand and gravel, the construction phase disturbances of highly erodible soils to post construction treatment of runoff from impervious surfaces, which also includes landscape management to control water consumption plus fertilizer/pesticide use reduction.

Wetland Soils are Ninegret, which are very deep and moderately well drained, fine sandy loam and gravel to a depth of 60 inches or more and exhibit redoxamorphic features within a depth of 24 inches, and have a seasonally high water table from late fall to early spring. The non-wetland Hinckley and Manchester soils have rapid permeability in the surface layer and very rapid permeability in the substratum. These non-wetland soils are easily suspended and transported by surface runoff.

Due to the steep to very steep 15 to 35 percent slopes in these soils, runoff is rapid. The steep slopes limit soils and the hazard of erosion is severe, which will cause pollution to wetlands and water courses.

This soils proximity to the river and wetlands, its composition, steep topographic relief and the severe erosion hazard it presents when disturbed will cause a detrimental effect to the wetlands and watercourses.

10.2.2 The applicant's purpose for the proposed regulated activity and any feasible and prudent alternatives to that activity which would achieve the same basic purpose with less or no environmental impact to the wetlands and watercourses.

As a feasible and prudent alternative, the applicant may consider putting a smaller building on the site, one that would not require the removal of 50,000 cubic yards of soil from a four acre site. By reducing the footprint of the building and reducing the size of the parking area, there would be a minimization of land disturbance from not removing a vast amount of soil, and the impacts to the wetlands and watercourses will be eliminated and or greatly reduced and the natural resources will be retained.

10.2.3 The relationship between the short term and long term impacts of the proposed regulated activity on wetlands and watercourses and the maintenance and enhancement of term productivity of such wetlands and watercourses.

10.2.4 Irreversible and irretrievable loss of wetland and watercourse resources which are caused by the proposed regulated activity. This includes the extend to which the proposed activity would foreclose a future ability to protect, enhance or restore those resources.

Wetlands and watercourses on site and downstream would be greatly affected by the extreme changes in topography.

10.2.6 The character and degree of injury to, interference with, safety, health, or the reasonable use property which is caused or threatened by the proposed regulated activity. Due to the extreme changes in topography, the natural resources will not be retained affecting wetlands and watercourses, aquifers, private wells.

10.2.7

10.2.8 Impacts of the proposed regulated activity on wetlands and watercourses outside the area for which the activity is proposed.

10.2.9

10.2.11 Compliance with requirements noted in CT Guidelines for Soil Erosion and sedimentation Control, the Borough of Naugatuck Subdivision Regulations and Zoning Regulations.

1. "Sites with resource limitations should be developed in conformance with capacity of the site to support such development, rather than by attempting to modify a site to conform to a proposed activity."

It is our opinion that the criteria of the PPD#8 is not adhered and should be reviewed thoroughly, recommendation to Zoning.

This is based on a report from Southwest Soil Conservation District.

**FOR**

Sally MacKenzie

Mary Davis

Joseph Bakstis

Lars Johnson

**AGAINST**

Jeff Hayden

**ABSTAINED**

- D.** Commission discussion/decision for IW violation regarding a detention pond with Pondsides Condominium Complex, Naugatuck, CT. Owners: DA Rich Company, LLC. Steve Macary stated he had been out to the site about 2 weeks ago with Keith Rosenfeld during a heavy rain storm and noticed there was water coming over the berm. Since then, DA Rich has been maintaining the pipe whenever it rains and it seems to be working. Steve Macary stated he met Mr. Rich out there last week. They are claiming that part of the property belongs to Skip Baummer and he will not maintain it. Mr. Rich said he will continue to do what he's doing. Mr. Macary said he didn't know if Mr. Baummer wants the Borough to work on it and he didn't know if the Borough wants to get involved. He stated the area has been wet for 25 years and feels part of the pond is on Baummer's land. Mary Davis said she is hoping if it is maintained until September they will see if it makes a difference. Steve Macary said it does. He said he told DA Rich he could put in a berm and put up a silt fence. He said if the pipe is maintained he doesn't know what else to do. It is his opinion they should berm the area. Jim Stewart said that would raise the water level up a foot. Steve Macary said he went out during a rain storm and the water was trickling through. He feels it is working. Mary Davis stated they still have a responsibility of cleaning the pipe. Keith Rosenfeld stated he has a letter stating they will clean the pipe weekly. Mary Davis said she does not want the town to get into anything. Steve Macary asked if he would need to come in front of the Commission with a plan or could he do it by himself. Commissioner Davis said if it is only a few wheel barrels then he wouldn't. Keith Rosenfeld said he thinks it will be more than that. Mary Davis said they should just wait until September. Joseph

Bakstis said they should send a letter to Mr. Baummer and DA Rich stating they have no jurisdiction beyond that and it is up to them to come before this Commission regarding the berm. It is up to them to decide who owns the pond. Steve Macary said he doesn't feel it is hurting Baummer's property.

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

Keith Rosenfeld stated there has been no activity on the site and that the E&S controls are working.

**4. NEW BUSINESS**

**A. VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **ADD** item to the agenda regarding 820 Rubber Avenue (next to Bea's Flower Shop).

Steve Macary stated this property had an Inland Wetland approval on May 5, 2005 to construct a building on the lot. A Better Way Auto wants to purchase the property to put his cars on it as a parking lot. He wants to clear the site. They are looking for a modification to the wetland approval. He wants to park 50-70 cars on the site. They just want to pave the parking lot and put in infiltrators. Mr. Macary said they will probably have to put in an oil separator. He stated he is just letting the Commission know that he will be coming in next month or the month after with this modification. He noted there will be no work done on the cars and will not be any washing of the cars. He stated he wanted to make sure the permit is still good. Mary Davis said the permit is still in affect. Steve Macary said he the owner over parks the cars on his existing lot and he is called out there all the time. Mary Davis noted the 50 foot buffer no longer applies and if the application is modified then they would have to abide by the 100 foot buffer.

**B. VOTED:** Unanimously on a motion by Mary Davis and seconded by Jeff Hayden to **ADD** application for brookside improvements at Long Meadow Brook located at 110 Rubber Avenue. Applicant: Borough of Naugatuck

Jim Stewart stated this is a re-application for the project. The last application was to rebuild the wall in the brook, but there were issues with DEP and the Army Corp. of Engineers. They have redesigned the project and will instead install a barrier wall at the edge of the parking lot. They are going to cut trees down on the bank so the roots won't destroy the wall and will be installing lights. Mary Davis asked if the Borough needed to pay the State DEP fee that is attached to all applications. Keith Rosenfeld said he will ask the Borough attorney.

**5. CORRESPONDENCE**

**A. 569 Rubber Avenue**

Jennifer Shardie submitted pictures of the work done since the site walk. Mary Davis stated she is having a problem with flooding, the Commission did a site walk and they are trying to lend a hand. Jennifer Shardie stated she removed the chips, the trailer is gone, and she has removed the 4 shopping carts. Keith Rosenfeld handed the Commission a copy of the letter the office sent to Ms. Shardie on June 30, 2009. In the letter, he suggests she contact South West Conservation District. They will send someone to her property, help find a solution, and give her an easy way to obtain it. Mary Davis stated if she comes back with a plan that South West helped design the board will not have a problem with it.

**B. Naugatuck Glass**

Keith Rosenfeld stated he received a letter from Naugatuck Glass stating they are beginning the construction of the pad. When they begin the work he will be inspecting it as they go.

**5. WEO REPORT**

Keith Rosenfeld stated he has been in contact with Ken Capozzi, Yorktown Road concerning ATV's that are driving around the area adjacent to his property. He sent him a letter stating there has been no disturbance to the wetlands.

- 7. VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Jeff Hayden to **APPROVE** June 3, 2009 minutes with corrections.

**8. ADMINISTRATIVE BUSINESS**

**9. ADJOURNMENT**

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Jeff Hayden to **ADJOURN** the meeting at 11:15 P.M.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb/old business C modified by MD