

**PUBLIC HEARING FOR PROPOSED INDUSTRIAL
PARK LOCATED ON PROSPECT STREET
(IW#08-03) NAUGATUCK, CT. APPLICANT:
CAPITAL HEAVY HAULING, LLC
August 6, 2008**

Mary Davis opened the Public Hearing at 6:46 PM with the following in attendance and appointed Lars Johnson a regular voting member:

MEMBERS:

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

OTHER:

Keith Rosenfeld, WEO
Jim Stewart, Borough Engineer
Rachel Brainard
Public: 11

Paul Benevich, engineer for the applicant, stated they have revised their plans and expanded them into two sections per the recommendation of Jim Stewart and Keith Rosenfeld. He said they have new plans dated 7/29/08. He noted they are planning on installing additional silt fences on the bank and stream bed. He feels they now comply with Jim Stewart and Keith Rosenfeld's comments and the soil and erosion plan conforms to the Borough regulations. He stated there is no change to the impact on the wetlands. Mary Davis asked if they were planning any additional plantings to be added. Mr. Benevich said they are planting 20 high bush blueberry bushes. Mary Davis asked if they will be planted along the bank. Paul Benevich said they will not be directly where they are working, but he feels they will enhance the area. Commissioner Davis asked what material they will be using to stabilize the area. Mr. Benevich stated the rip rap will be increased on both sides and crown vetch will be planted. Joseph Bakstis asked Jim Stewart if the applicant covered all the information he requested. Mr. Stewart answered yes. Commissioner Bakstis noted on the plans it states fill utilized for project is from upland location and he asked what this referred to. Jim Stewart answered it is outside of the 50ft buffer. Joseph Bakstis noted that he would like more frequent inspections than just the monthly ones discuss at the last meeting. Jim Stewart stated that the contractor is responsible to perform the inspections. Paul Benevich agreed with Mr. Stewart and said they are to be done when there is anything over ½ inch of rainfall. Mary Davis said she felt monthly inspections were sufficient.

Public Comment:

Brian Prentice, 50 Maple Hill Rd, said his main concern was the erosion controls. He said he was familiar with this type of business. He feels that a monthly report won't help, that these issues need to be addressed when the erosion happens. He noted that problems arise because of their lack of attention. He stated that this particular contractor has property at the bottom of Route 68 and that he still has silt fences that are not maintained. He said the Commission needs to think of the impact of what he plans to do with the

property. He already has access into the site. He also has cease and desist orders issued from the Town of Prospect.

Joseph Bakstis said the only extent they can look at is for this application for the crossing.

Carl Matteson, 46 Maple Hill Rd, said this project has started already. The applicant has been digging on the property for 3 months and nobody is down to check on him. He said he knows the games and what they are trying to do. He said they don't have the money to do the things they want to do. He doesn't think the applicant has a good reputation. He feels that if a crossing is put in, a 30 ft high dam is going to be created. He is concerned about losing his house. Mr. Matteson said he doesn't believe the application is complete. He has been told that the Mayor has told them to back off from the applicant. He said that if it is not taken care of, then he will go to the necessary people. Commissioner closed the Public Comment. Mary Davis said the Department of Transportation and Army Corp of Engineers will all be over-seeing this permit. If there is something the Commission has missed, then she is sure they will find it. Jim Warren, applicant, stated he does not have any cease and desist orders in any town in the State of CT. He feels they are trying to mislead the Commission. He commented on his property on Route 68, there is now grass there. They left the silt fence up just in case, even though it is deteriorating. Mr. Warren stated he will be there within 24 hours if there is a problem. He also stated that he, along with the Borough will do the inspections. He said that their design was not to destroy the wetlands but to keep them looking as nice as possible. He noted that he will still need something from the Army Corp of Engineers before anything gets done, even if it is approved by this Commission. Rosemary Bertotti asked him if he received a permit from DOT for the driveway. Mr. Warren said he has received the driveway access permit. He has a bond in place and a permit number. Rosemary Bertotti asked about a DEP permit. Jim Warren said that the DEP permit will be received after the approval from this Commission and the same goes for the Army Corp of Engineers. Commissioner Bertotti asked about the drainage permit from DOT. Jim Warren said there will not be any drainage so they don't need it. Lars Johnson asked if all the recommendations from Jim Stewart and Keith Rosenfeld were on the plans. Jim Stewart answered yes.

Mary Davis closed the Public Hearing at 7:15 P.M.

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
AUGUST 6, 2008**

Mary Davis called this meeting to order at 6:07 PM with the following in attendance:

MEMBERS:

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

OTHER:

Keith Rosenfeld, WEO
Jim Stewart, Borough Engineer
Michelle Ryan, Ass. Boro Engineer
Rachel Brainard

1. Mary Davis took attendance, and opened the meeting with the Pledge of Allegiance. She noted there was a quorum.
2. Executive Session with Attorney Robert Fuller regarding Huntington Hills Section 2, Primrose Development.
VOTED: Unanimously to enter into executive session at 6:08 P.M. on a motion by Joseph Bakstis and seconded by Sally MacKenzie inviting Attorney Fuller. The Commission exited it's executive session at 6:46 P.M.

3. **OLD BUSINESS**

- A. Commission discussion of fine ordinance.
Keith Rosenfeld said that he has met with Attorney Hess and ZEO Steve Macary to create a policy and procedure manual. He noted that the hearing officers for the Zoning Commission would act for the wetlands as well, per the Mayor's orders. He noted that the Zoning Officers have not met in over a year and that a letter should be sent to them telling them of their new responsibility from the Mayor's office.
- B. Commission discussion/decision on Inland Wetland Application for a proposed Industrial Park located on Prospect Street (IW#08-03), Naugatuck, CT.
Applicant: Capital Heavy Hauling, LLC.

Mary Davis asked if all the Commissioners had listened to the tapes of meetings that they were not present for. All the Commissioner's answered yes.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Rosemary Bertotti to **APPROVE** application IW #08-03 for plans revised to 7/29/08 with all standard conditions and the following conditions:

1. The fill utilized for the project shall be from an approved upland location.

2. The applicant must submit a wetlands and sediment and erosion control bond in an amount approved by the Borough Engineer prior to construction activities as a condition of the approval.
3. Final Professional Engineer certified construction drawing must be submitted to the Borough Engineer for approval including culvert construction plans and details.
4. The applicant shall retain a Professional Engineer to provide the Wetlands Commission with monthly Sediment and Erosion Control Inspection Reports for the duration of construction activities.
5. The applicant must submit a final construction review and approval of the culvert construction from a Professional Engineer.
6. Applicant to submit a written narrative stating mitigation measures, which may be considered as a condition of issuing a permit for the proposed regulated activity. This shall include measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, (3) restore, enhance, or create productive wetland or water resources (generally in that order of priority).

C. Commission discussion of Wetlands Model Ordinance and Proposed amendments.

Mary Davis stated she has gone through half of the ordinance. Joseph Bakstis said he has gone through most of it. Commissioner Davis said if the rest of the Commissioners were not going to go through it then they could either have a workshop or Keith and she could look for anything outstanding. She said it might come to a point where they just accept the model regulations as their own. Then they could set a public hearing after they speak with Attorney Hess.

D. Commission discussion/decision on Inland Wetland Application for a Pipeline Ground Bed Project located on the Algonquin right-of-way between Webb Road and Jones Road (IW #08-06) and on Rubber Avenue and Crofut Road (IW#08-07), Naugatuck, CT. Applicant: Algonquin Gas Transmission.

Karl Smith, TRC, stated the purpose of this project is to maintain the cathodic protection of the gas pipes. He explained the process of the system and how it works. He noted it is regulated by the DOT. He went over the Commission's concerns from the special meeting.

Per the Webb and Jones Rd property, he stated there will be 2 wetland crossings and discussed the process for how it will be done. He said there will be no stock piling. Mr. Smith said it would take about 1 week to install the material. He said the site would be restored to its present condition. Mary Davis asked how long they will be working in the actual wetland area. Karl Smith answered it would be around 3 days or less. Lars Johnson asked what kind of machinery they will be using. Mr. Smith said it would be a small track excavator, the smallest equipment as possible. Commissioner Johnson asked if the back filling would be done continuously. Karl Smith answered yes, they will separate the top soil from the sub soil. Michelle Ryan asked how they will de water. Mr. Smith said they have detail for a filter bag on the plan if needed. Michelle Ryan asked if they will be

digging 5 ft under from the bottom of the channel. Chuck Thomas, Algonquin representative, said the water will clear within seconds and with their previous experience, the sediment disturbance is minimal. Jim Stewart asked if they would consider putting up sandbags and pumping it out. Chuck Thomas said if you start bringing in additional motorized equipment, i.e a pump, you can have a better chance of an environmental disturbance. He noted there might not be any flow at all. He suggested putting in a silt curtain if needed like they are planning for Rubber Ave and Crofut Rd section. Karl Smith noted that this is previously disturbed area, and has already been mowed. He said Algonquin has the right of way. They want to minimize their time at the site and therefore minimize the disturbance. Keith Rosenfeld stated the staff is not looking to impede Algonquin Gas and asked if they could have those materials on site when they are working. Commissioner Davis stated she thinks they will do a good job by looking at their plans. Karl Smith noted that most of the issues that have come up focus around the Long Meadow Brook crossing. Based on his discussions with the staff they did their best to address the concerns. They added a site specific watercourse crossing, add additional erosion controls; hay bales on the bank; silt curtain in trench, mat cane laid in river. He noted they will back track along the right of way.

Mary Davis appointed Jeff Hayden as a regular voting member. Jeff Hayden noted he had listened to the tapes of the missed meetings.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Jeff Hayden to **APPROVE** IW #08-06 with standard conditions in accordance with their drawings submitted to this date and that material and equipment should be on site and put into place on site in the event that a major rainfall so that if necessary they would by pass pumping measures would be able to proceed if necessary.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Rosemary Bertotti to **APPROVE** IW #08-07 with standard conditions in accordance with their drawings submitted to this date and that material and equipment should be on site and put into place on site in the event that a major rainfall so that if necessary they would by pass pumping measures would be able to proceed if necessary.

Mary Davis called for a 5 minute break. At 8:00 P.M.

Rosemary Bertotti left the meeting at 8:00 P.M.

4. NEW BUSINESS

A. Commission discussion on Republic Realty.

Mary Davis recused herself from the meeting and placed Joseph Bakstis as Acting Chair. Joseph Bakstis said this item is on the agenda for the Commissions discussion over the court report given back to them. In reviewing the application's file and plans, he feels the previous Commission did not look at the

application properly. Commissioner Bakstis asked all the members to go and look at the site.

Joseph Bakstis took attendance at this time and appointed Jeff Hayden a regular voting member in place of Rosemary Bertotti and Lars Johnson in place of Mary Davis.

Joseph Bakstis asked if everyone had looked at the file and were familiar with the application. He noted that he had spoke with Attorney Hess who said they need to look at this as a new application and their decision should be based only on the information in the file at the time of the previous Public Hearing. He noted that this application will not be re-opened to the public. The Commission had a discussion over the plans. Keith Rosenfeld suggested that the Commission take their time before making a decision and use the assistance of the staff. He noted they will need to look at how the plans relate solely to the wetland issues. No other discussion took place and item was tabled to the next meeting.

Mary Davis rejoined the meeting at 8:50 P.M.

- B. **VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Jeff Hayden to add application IW #08-08 proposed addition for Autohause located on 393 Rubber Avenue, Naugatuck, CT. Applicant: Kozlowski, LLC. Attorney Michael McVerry, representing the applicant, stated they are currently in the process of seeking a site plan approval from the Zoning Commission. They have already received a variance from ZBA. Attorney McVerry stated the Land Use Office has already received copies of the plans and the soils report. He is here tonight to ask the Commission to schedule a public hearing. The Commission agreed to set the Public Hearing for September 3, 2008 at 6:30 P.M.

5. **CORRESPONDENCE**

Mary Davis stated they had received a formal complaint for Gunntown Road and it will be added to the agenda. She noted that 2 weeks ago she had asked Keith Rosenfeld and Jim Stewart to go out to the site. This past Monday Joseph Bakstis, Mary Davis, and Keith Rosenfeld walked the site. Yesterday, Mary Davis, Keith Rosenfeld, Michelle Ryan, and the Mayor walked the site. She noted they are aware of what was said were violations.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to add the formal complaint to the agenda.

Mary Davis read the complaint into the record. Leonard Yannielli, 9 Chestnut Street, said that he has a problem with the procedures in this town. He attended the Borough Board meeting and Keith Rosenfeld raised the issues at Gunntown but said there was no problem or violation. Keith Rosenfeld said that he invited Mr. Yannielli to the wetlands meeting tonight to discuss his issues with the Commission and he is inviting him to attend a site walk with the Commission as well. Leonard Yannielli stated he has been dealing with this for 13 years. He said he was shocked to hear there was no problem. Mary Davis said the Commission is doing him a favor letting him discuss this tonight and that she is concerned over his complaint. Mr. Yannielli said he is filing the complaint against the town. He noted that he has many pictures he could show them of the violations. He stated

he is asking for a fair hearing. He feels that work should stop out there but it is continuing. Keith Rosenfeld read the statement that he made at the Borough Board meeting last night into the record. Chairwomen Davis asked Mr. Yannielli to mark the area of violation on the map and invited him to attend the site walk with the Commission. Mr. Yannielli stated there are silt fences that are down and said the Commission wont need him to be present to see the violations. Jim Stewart stated he is speaking on behalf of the town and he doesn't feel they need to stop work there. He feels that Mr. Yannielli needs to show proof that there are violations occurring, they need to see some evidence of what is happening. Mary Davis said she had walked the site with the staff and she could not see any ground that was torn up by machinery, all she saw was an area that was mowed. Leonard Yannielli said on the west side by the swamp there is an area that is torn up, toward the wet meadow near the Algonquin gas line. He said they saw heavy tracks under a tree and water pooling there. He asked the Commission to set a date for a Public Hearing. Commissioner Davis said they cannot set a date but they will keep this issue on the agenda and schedule a site walk. Jeff Hayden asked Mr. Yannielli if he wanted to submit pictures to the Commission. Leonard Yannielli passed some photos to the Commission to view. Mary Davis stated that after their walk yesterday, they will not tell them to stop working, but that all the employees have been schooled on what they can do and that they need to be careful. Mary Davis noted that the silt fences being down is a maintenance issue and is not grounds for a cease and desist. Keith Rosenfeld noted that the areas of cutting are for the designated fields. Commissioner Davis stated they could have a South West soil study done which might be helpful, but they will not change the approved plan.

A site walk was scheduled for August 12, 2008 at 5:00 P.M. meeting at the entrance of Gunntown Road.

6. WEO REPORT

There was no report from the WEO. Mary Davis asked Keith Rosenfeld to prepare a report of Gunntown Road for next month's meeting.

At 9:55 P.M. Jeff Hayden left the meeting.

- 7. VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** July meeting minutes with corrections.

8. ADMINISTRATIVE BUSINESS

There was no administrative business.

9. ADJOURNMENT

On a motion by Sally MacKenzie and seconded by Joseph Bakstis the meeting was adjourned at 10:00 PM.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb