

**PUBLIC HEARING  
FOR PROPOSED ADDITION  
FOR AUTOHAUS LOCATED ON 393 RUBBER AVENUE (IW#08-08),  
NAUGATUCK, CT. APPLICANT: KOZLOWSKI, LLC.  
September 3, 2008**

Mary Davis opened the Public Hearing at 6:28 PM with the following in attendance and appointed Jeff Hayden 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: 12

Attorney Michael McVerry, 35 Porter Ave, representing the applicant stated that he was here tonight with a wetland application for a building located at 393 Rubber Avenue. He noted that the Commission is familiar with the site because of the previous enforcement action on his client. He said they are looking to add an additional building for storage which would be located behind the existing building. He noted his applicant has already received a variance from ZBA. He said the addition would not encroach the 50ft setback area. Attorney McVerry stated he had already submitted a soil report and noted the wetland flags are along the top of the bank. Attorney McVerry submitted the mailings to the Land Use Office and noted there has been no review provided by the town planner or borough engineer. Keith Rosenfeld told the Commission they might want to set up a site walk. Mary Davis agreed. John Kenworthy, 18 Heritage Dr., land surveyor said he kept the building out of the 50 foot setback area. He noted there would only be minor filling in the setback area in the amount of about 20-30 sq ft. which would be the sloping against the new foundation. He stated they are looking at installing a pre fabricated steel building. Mary Davis asked if the new building would be for storage. Mr. Kenworthy said it would be for storing cars, equipment, and parts. Commissioner Davis asked if it would be a workshop or a garage. Mr. Kenworthy said that some disassembly work will take place inside. Mary Davis asked what they were proposing to do with the property in the rear of the lot that is a gravel parking area. John Kenworthy stated it has been used for parking for 15-20 years. Chairwomen Davis said it would be a good idea to have a system to control the runoff water. Mr. Kenworthy said he saw no signs of runoff into the brook and no erosion of runoff or any visible stream into the brook because the gravel soaks it back into the ground. He said the roof drains wont discharge directly into the brook. Joseph Bakstis asked if they submitted a design. Mr. Kenworthy said not yet, but it will be in the site plan review. Joseph Bakstis asked Jim Stewart if he had looked at the plans yet. Mr. Stewart answered no, but they looked like straight forward plans. John Kenworthy said they would like to clean the lot up and noted the addition would be fenced off. Commissioner Bakstis asked if there would be any paved areas. Mr.

Kenworthy said the pavement limit is shown on the plans. They are only proposing new pavement from the existing pavement to the garage doors, and it will be kept to a minimum. Mary Davis said she remembered walking the site last year and that it is a very flat piece of property. She noted they will have to see what the proposed dry well will look like and how it will work. She added that this Commission has to make sure that no more pollution goes into Long Meadow Brook. She asked about car washing on the lot. Lars Johnson asked if they had plans for floor drains or tanks inside the building. Mr. Kenworthy said he would have to check with the owners because they have not had any discussion over this. Joseph Bakstis said his major concern is the washing of the cars. He noted they have had previous problems with Long Meadow Brook before. Mary Davis said that the drainage into the street that Jim Stewart suggested was a good idea. Attorney McVerry said that the car washing is done up the street and no cars are washed on site. Keith Rosenfeld said he was concerned because this application is in front of them as a replacement for the activity on the site which is out in the open now. If this application is granted, it is not for the building plus the activity; it is for the activities that are out in the open to be now confined in a building. It is intended for storage of the material that is currently being stored in the open. He noted they are here because this Commission asked for a solution of the car part storage. Rosemary Bertotti said they are especially concerned over the drainage when working on cars with all the fluids. She feels it's better to put drains in now, when it would be cheaper for the applicant. John Kenworthy said they have containers to put those materials in which the state mandates. Lars Johnson said they would like to see the interior be capable of catching any spillage if need be. Mary Davis scheduled a site walk for Tuesday September 10, 2008 at 5:00 P.M. There was no Public Comment.

Mary Davis went through the review list of basic application requirements. It was noted they did not have tax clearance. There have been no alternatives given at this point for the project from the applicant. Joe Bakstis asked what was required for drainage structures. Jim Stewart said the floor drains are fairly simple. It would also require roof drains, detail of dry wells, and the calculated size. The runoff from the parking lot is close to the wetlands in one area and he suggested they should check how close while they are on the site walk. Mr. Stewart suggested possibly having a vegetative buffer while constructing, made up of soil and grass. Jim Stewart suggested they connect to the sanitary sewer if they will be washing cars. He said he didn't think that if there were spills in the garage they would make their way to the stream. He noted the storm water system would not let you collect outside water and put it into the sanitary sewer. He felt the best solution would be a vegetative buffer and he noted the DEP suggests it as well over an oil separator. Mary Davis said the DEP says a catch basin is best. There was a discussion over water filtration. Jim Stewart said he was going to postpone any comment until further information is received.

Mary Davis continued the Public Hearing to October 1, 2008 at 6:30 P.M.

**INLAND AND WETLANDS COMMISSION  
REGULAR MEETING  
SEPTEMBER 3, 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  
Rachel Brainard

1. Mary Davis took attendance, and opened the meeting with the Pledge of Allegiance. She noted there was a quorum.
2. There was no executive Session with the Borough Attorney.
3. **OLD BUSINESS**
  - A. Commission discussion of fine ordinance.  
Keith Rosenfeld stated he had sent the fine ordinance information to the Zoning Hearing Officers. In his correspondence he updated them on their additional duties and if they had any questions they could call himself, Mary Davis, or the Mayor's office. He said that everything is now in place for them to be our officers.
  - B. Commission discussion of Wetlands Model Ordinance and proposed amendments.  
Keith Rosenfeld said that he has reviewed the documentation and he feels they are 90% right in line, but he does see some changes in the state statute that they have missed. He said he feels they should have a workshop on upland review and whether or not they want 100 ft buffer. Jim Stewart suggested doing all the modifications they can do and keep the 50 ft buffer, and then they can do them separately because it will probably result in a lawsuit.  
Keith Rosenfeld suggested they include the fees into the regulations as well.  
Mary Davis scheduled a workshop for September 9, 2008 at 6:00 P.M.
  - C. Commission discussion on Republic Realty  
Mary Davis recused herself from the meeting and appointed Joe Bakstis as acting chair. Joseph Bakstis asked the Commission if everyone present attended all the meetings or listened to the meeting tapes. Rosemary Bertotti had not. Joe Bakstis appointed Jeff Hayden as a regular voting member in place of Rosemary Bertotti. He asked the Commissioners if they had gone out to the site and reviewed the applicants file. Keith Rosenfeld said that he and Jim Stewart composed a list of

concerns that they would like the Commission to look at. He stated there are 14 items that are a major concern of the subdivision. Mr. Rosenfeld handed the list to the Commission and read it into the record. Commissioner Bakstis compared his list with the one given to him by Mr. Rosenfeld. A discussion ensued concerning the concerns of the Borough Engineer and Town Planner. Joe Bakstis stated he felt they discussed this application very thoroughly.

**VOTED:** Unanimously with a motion by Sally MacKenzie and seconded by Jeff Hayden to **DENY** the plans dated 11/4/03 on the following basis:

1. The plans as submitted do not meet the requirements of the 2002 CT S&E Guidelines.
2. Applicant has not provided for reverse slope benches as required on slopes exceeding 15' vertical.
3. Applicant has not provided the double row of silt fence below the 2:1 fill slope; the plan should include temporary silt ponds and swales in order to direct and control run-off.
4. Applicant has not provided the temporary swale leading to the existing storm water detention basin; the plan should include additional outlet protection prior to the wetland pond.
5. Applicant has not provided soil stock piles with sediment and erosion controls.
6. Applicant has not provided approval block on S&E plan.
7. Applicant has not provided the responsible Party Name.
8. Applicant has not provided the correct S&E preamble.
9. Applicant has not provided a sequence of construction that is project specific.
10. The project requires substantial amount of filling adjacent to the wetland areas.
11. The applicant has included a proposed stone retaining wall approximately 10-15' away from the wetland area adjacent to the N/F Vaituris property whose construction may negatively affect wetlands in the vicinity.
12. The project included both storm and sanitary sewer lines located within 25-40' from the southern wetland area.
13. It appears that the wetlands located in lot 16 may see a reduction in the surface runoff that is received due to the road installation.
14. Additional analysis should be completed to determine the affect of ground water elevations due to placement of large amounts of fill and steep slopes adjacent to the wetlands.
15. The intrusion in to the upland review area is excessive and is not consistent with the regulations in the area of the cul-de-sac and in the area of lots 18 and 19.
16. The proposed backyard for lot 16 will have a negative impact on the wetlands.
17. The proposed stonewall and construction near lots 14,15,16, and 17 will negatively impact the wetlands.
18. The proposed activities will have an adverse impact on the wetlands and the proposed activities are not consistent with Section 10.2.1, 10.2.2,

10.2.3, 10.2.4, 10.2.5, 10.2.7, 10.2.8, and 10.2.9 of the wetlands regulations.

- D. Commission discussion/decision for a proposed addition for Autohaus located on 393 Rubber Avenue (IW#08-08), Naugatuck, CT. Applicant: Kozlowski, LLC. The Public Hearing was continued to next months meeting.
- E. Commission discussion over Gunntown Road Park possible violation. Keith Rosenfeld prepared a report of all the activity on the site to date and handed copies to the Commission and read it into the record. He stated that currently there is just cutting being done, no grading. A representative from Southwest Conservation District is currently reviewing the plans and will walk the site with the staff. Mary Davis said that looking through the reports she could not find any comments about vernal pools. She said she checked through all the documentation but nothing was found per Mr. Yanelli's comments at last months meeting. Commissioner Davis said that in the Kings Mark Study it said when you get ready to grade they recommended the stock piles on the existing field be graded and seeded and mowed annually. Keith Rosenfeld said he will continue to report back to the Commission as the work is done.

#### **4. NEW BUSINESS**

- A. Commission acceptance/discussion for installation of a concrete pad for Naugatuck Glass Company located on 451 Church Street (IW#08-09), Naugatuck, CT. Applicant: Naugatuck Glass Co. Patrick McGinley, current President of Naugatuck Glass stated the company has been bought by a company which is in the solar mirror market. They are looking to expand their facility in order to accommodate this new production. He explained the of the solar mirror process. He stated the site they are interested in installing the roxidizer was the old waste water spot. It is located above the brook and he feels it is in a safe position. He stated they are proposing the installation of a pipe that would run over the river, but noted that there is no liquid passing through it, it is all airborne. Mary Davis asked how they planned on crossing the brook. Patrick McGinley said a pipe would run across the top of the brook which would be equivalent to the height of their building. Jeff Tomaswick, plant engineer, explained the technical process of the unit. He noted it is required by the DEP to operate the mirror line to modify their existing permit. Jim Stewart asked if the unit was powered by natural gas. Jeff said it is, but the unit runs fuel free once it is heated to a certain temperature. Jim Stewart asked if there were any liquids that would be a possible spill. Mr. Tomaswick answered no; the VOC is in the air. He noted the pipe would be a solid piece crossing the stream with out any seams. Joseph Bakstis asked why not install the unit on the roof of the existing building. Jeff Tomaswick said no because the unit weighs about 68,000 lbs and there is no room inside the building. Jim Stewart asked how much maintenance the unit would require. Mr. Tomaswick said there are 7-8 air filters enclosed in the unit that are changed on a regular basis. Mary Davis asked if

there would be any residue that could possibly contaminate the brook. Jeff answered no, it is all airborne. Joseph Bakstis asked what the material of the pipe would be and it's size. Mr. Tomaswick said it is stainless steel and the size would depend on the flow. Dan Ricowski, soil scientist from Tighe & Bond, said he delineated the wetland in July 2008. He noted there is an established bank within the retaining wall and soil outside is well drained. He said the retaining wall has a step up to Hop Brook along with a gravel retaining strip so there is no chance of runoff going down the retaining wall. Chuck Croce, engineer from Tighe & Bond, went over the proposed site work and drainage measures. He stated it would be a 30x30 ft concrete pad that the roxidizer would sit on. He said there would be an 8ft high ornamental iron fence for protection of the unit. There would be a screen from Bridge Street using arboritae trees. He said they have contacted the DEP regarding a permit for the crossing and was told they only needed a general registration permit. Mr. Croce said the S&E control flows north to south. He stated that during construction they will have a double row of silt fence. They would also include a temporary soil stock pile with silt fence. He said the pad would be 6 inches thick with a crushed stone base under the concrete with a filter strip around the pad. The gravel strip would be 3ft wide and 2 ft thick. Mary Davis scheduled a site walk for September 9, 2008 at 5:30 P.M. **VOTED:** Unanimously with a motion by Joseph Bakstis and seconded by Rosemary Bertotti that the proposed **ACTIVITY NOT SIGNIFICANT**.

- B. Modification of existing permit for Algonquin Gas Inland Wetland Application for Pipeline Ground Bed Project located on Rubber Avenue and Crofut Road (IW#08-07), Naugatuck, CT.

**VOTED:** Unanimously on a motion by Joseph Bakstis to **ADD** to the agenda and seconded by Sally MacKenzie.

Keith Rosenfeld handed the Commission a copy of the letter he received from Karl Smith requesting a change from trenching to horizontal drilling. He read it into the record. Joseph Bakstis asked if now there would be no excavating. Keith Rosenfeld answered yes. Mr. Rosenfeld stated he discussed the changes with Jim Stewart and Michelle Ryan. He read their comments into the record.

**VOTED:** Unanimously on a motion by Joseph Bakstis to **APPROVE** the modification of the existing permit IW #08-07 for Algonquin Gas and seconded by Sally MacKenzie.

Mary Davis appointed Lars Johnson a regular voting member.

## 5. CORRESPONDENCE

- A. Keith Rosenfeld noted that a violation letter had been sent to the Howard's located at 620 Wooster Street. He handed the Commission a copy of his letter. He noted that the letter is self explanatory. He stated he was hopeful that the Howards would get back to him with a plan to restore the disturbed wetlands vegetation that was destroyed. Joseph Bakstis asked if he received a response

from the Howards. Keith Rosenfeld answered yes, he received a fax from Mr. Howard which said he would cooperate and come up with a plan, but they were leaving for vacation that day.

- B.** Preliminary discussion with Capital Heavy Hauling for proposed Industrial Park. Jim Warren stated he is proposing construction of an industrial park on Rt 68. He thanked everyone for their vote and support on the wetland crossing application. He handed the Commission a copy of the plans of the proposed park. He noted the soil scientist had already flagged the entire property and he has already given a full report. He stated that he has designed the project to keep everything out of the 50 ft setback as well as the detention pond. He said the grading cuts will be going north to south and will also be out of the 50ft setback. He stated he would need an additional wetland crossing for the sewer. There was a discussion over the proposed plans and plantings. Mr. Warren said there will be no storage for the units outside of their buildings. Mary Davis suggested making a conservation easement in the areas that he would not be disturbing. Jim Stewart suggested speaking to his engineer about trying to keep the sewer with in the access road. Mr. Warren said he couldn't do that because he would be fighting the grade of the property. Jim Stewart said the pumping station could be in the same location, just instead of crossing the river run the pipe down and around. Jim Warren said that would be a lot more piping. Jim Stewart suggested using a dozen small grinder pumps instead of one pumping station. Mary Davis said she liked what he presented so far. Joseph Bakstis asked how far the neighboring residence is from the last building on the left of the property. Jim Warren said he left 100ft from his own property line, and he is guessing the residence is about 75 ft from theirs.

**6. WEO REPORT**

Keith Rosenfeld told the Commission of a possible wetland violation taking place at Willow Ridge Subdivision off the Rubber Ave Ext. He said they would need to do more research. He said the land is owned by Long Meadow Brook LLC. He stated the subdivision is dormant right now, but there wetlands permit is valid. He stated he would get in touch with who was doing the work and will report back to the Commission.

- 7.** Mary Davis said she wanted to wait until next month to approve the August meeting minutes because she wanted to listen to the tape first along with the Gunntown Park August 12, 2008 site walk minutes.

**VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to **APPROVE** July 14, 2008 Special meeting site walk minutes for IW application IW#08-07, Algonquin Gas.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Joseph Bakstis to **APPROVE** July 14, 2008 Special meeting site walk minutes for IW application IW#08-06, Algonquin Gas.

**8. ADMINISTRATIVE BUSINESS**

There was no administrative business.

9. **ADJOURNMENT**

On a motion by Sally MacKenzie and seconded by Rosemary Bertotti the meeting was adjourned at 8:45 PM.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb