

**PUBLIC HEARING
FOR PROPOSED SUBDIVISION FOR ANDERSON MILLS
SUBDIVISION LOCATED ON MILL ST AND FIELD ST.
(IW#08-10), NAUGATUCK, CT.
APPLICANT: ANDERSON MILLS LLC
December 3, 2008**

Mary Davis called this meeting to order at 6:48 PM 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
Jim Stewart, Borough Engineer
Rachel Brainard, Secretary
Public:14

Keith Rosenfeld went over the file and noted that the application is complete and that it has been legally noticed. Attorney Michael McVerry, here on behalf of the applicant, went over the application and the location of the property. The entire subdivision consists of 12.3 acres. It is located in R15 and R8 zone. There are 2 interior lots that have already received Zoning approval. There is a 4 1/2 acre conservation easement which encompasses most of the wetland area. The Zoning Commission approval required the applicant to install a stone wall. Paul Benevich with Land Data Engineer submitted revised plans to the Commissioners and staff. He noted there are 11 Lots. The Zoning Commission requested a berm and swale be installed. He noted the stone wall is a physical barrier. He stated he felt the 3 items seemed redundant because they all do the same thing. He said the ridge line runs between Lots 9 and 11 and there is no outlet for the swale. He stated they have located all the significant trees and the Zoning Commission asked for evergreens to be planted along the access ways. He stated the soil and erosion controls narrative has been added to the plans. He said they are considering the stone wall as mitigation. He noted that all the lots will have Borough water and sewer. Mary Davis asked how much land will be used for building outside of the wetlands on Lot #6. She asked how much room there will be for the house and a useful yard. Paul Benevich said the houses are closer to the road because of the slope. There will be 50-60 feet behind the house for the yard. Joseph Bakstis asked if there would be excavation in the regulated areas of Lots #2 and #3. Mr. Benevich said there is no grading being done there. He said the 2 drywell areas will be out of the regulated area and it is an error on the plans. Mary Davis noted that in the packet from the soil scientist there is a map which shows a stream, but it is not located on the plans. Paul Benevich stated it is an intermittent water course which is shown on the plans. He also noted they did add the certification for the Borough Engineer on the soil and erosion plans. He will respond to Wayne Zerolli's report for the next meeting. Thomas Peatris, Soil Scientist with Soil Science and Environmental Service of Chesire, stated he flagged the wetlands, noted the boundaries and identified the soil types. He said there are 2 types of wetland and non-wetland soils. Keith Rosenfeld asked if he had any concerns of any erodible

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soils on the non-wetland soil areas. Thomas Peatris stated that in this area the soil disturbance will be along the house sites and they are small areas. He noted that in his packet he included a sketch of the site that shows the different soil types and their locations. Mary Davis questioned whether there should be silt fences as well as the hay bales that they are suggesting. Paul Benevich said there are yard inlets and yard drains that are protected by the hay bales.

Public Comment:

Dennis Wilcox, 7 East Drive, said he is worried about having water problems. He said that water comes down at all times of the year. He noted they will have to drain the water somewhere. He stated the water even comes up out of the ground. He asked what would be done so they won't have any trouble.

Frank Lombardo, 408 Park Ave, had a question over the property lines. He noted the applicant is stating his fence is encroaching on the subdivision property, but that Mr. Anderson had showed him plans with the correct property lines.

Mr. Lombardo spoke on behalf of Alice DeJoseph, 400 Park Ave. He stated that part of her yard sinks and the town fills it with sand. He said you can hear the water coming down into the storm drains after it rains for at least 3 days.

Mike Bronco, 34 Fairchild Crt, asked who had come up with the idea for a stone wall and no swale. He stated he didn't think a stone wall would divert water.

Jim Stewart stated that a swale was more of a berm to stop the water from going into the wetlands. Mary Davis said she would like to see the stone wall represented on the plans. There was a discussion over the stone wall. Keith Rosenfeld read the condition concerning it from the Zoning Commission decision. Paul Benevich said there is a zero increase in the water runoff from the site and the water would be retained on the site. He said they will not be increasing the neighbor's problems.

Mary Davis closed the public comment.

Chairwomen Davis scheduled a site walk for Sunday December 14, 2008 at 10:00 AM with a snow date of December 20, 2008 at 10:00 AM.

The Public Hearing was continued to January's meeting.

Mary Davis called for a 5 minute break at 7:38 PM.

The Regular meeting was resumed at 7:48 PM.

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**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
December 3, 2008**

Mary Davis called this 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

OTHER:

Keith Rosenfeld, WEO
Jim Stewart, Borough Engineer
Rachel Brainard, Secretary

1. Mary Davis took attendance, and opened the meeting with the Pledge of Allegiance. She noted there was a quorum.
2. Executive Session with Borough Attorney regarding the pending litigation involving RJ Starr Design vs Inland Wetland Commission.
Mary Davis appointed Lars Johnson as a regular voting member in place of herself. She also appointed vice chair Bakstis as acting chair. Mary Davis recused herself from the meeting.
VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Jeff Hayden to enter into executive session inviting Attorney Hess, Jim Stewart and Keith Rosenfeld at 6:07 PM.
The Commission exited executive session at 6:42 PM.

3. **OLD BUSINESS**

- A. Commission discussion/decision for proposed subdivision application for Anderson Mills Subdivision located on Mill St and Field St.(IW#08-10), Naugatuck, CT. Applicant: Anderson Mills LLC.
This application was tabled until January's meeting.
- B. Commission discussion/decision regarding litigation with Huntington Hills Subdivision stipulated agreement. Applicant: Primrose LLC.
There was no action.

2. **NEW BUSINESS**

- A. Commission decision regarding stipulation for judgment (fifth draft) for Primrose Companies LLC vs Naugatuck Inland Wetlands and Watercourses Commission, authorize chairperson to sign said stipulation agreement and permit Borough Attorney Fuller to settle all relevant litigation.
Keith Rosenfeld read into the record a memo concerning this litigation that Attorney Fuller had asked him to prepare. He handed copies to the Commission.

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Mary Davis said that she was confused by the letter and had thought that Attorney Fuller would have been here tonight to go over this with the Commission. Keith stated Attorney Fuller was unable to attend tonight's meeting, but had sent the fifth draft for the Commissioners to review prior to the meeting and felt they were able to make a decision on it. Jim Stewart stated that Keith's letter is for discussion of the settlement, and is basically his report on the settlement. Commissioner Davis said she would like Attorney Fuller present at January's meeting to discuss this with them, or have him fax a letter if he is unable to attend.

B. Commission discussion/decision regarding litigation involving RJ Starr Design & Build LLC for property located at Lot #107 Maple Hill Road, Naugatuck, CT. Joseph Bakstis stated this application is back in front of them because it was in mediation. They will set a Public Hearing for January 7, 2009 at 6:45PM.

C. Commission discussion/set Public Hearing for amendments to Naugatuck Inland Wetlands Regulations.

Attorney Warren Hess stated that he reviewed the amendments to the regulations and he feels that it is legally proper to extend the 50 ft buffer to 100 ft. He feels the Commission can set a Public Hearing. He noted that there might be additional sections that would have to be modified, but the Commission can proceed and should schedule the Public Hearing. Mary Davis set a Public Hearing for January 7, 2009 at 7:00 PM.

Keith Rosenfeld said he reviewed the items with the Borough Attorney. He will do another review of the regulations. They will need to change the regulated fees as well. He stated he will have a final draft that will go for a Public Hearing.

5. **CORRESPONDENCE**

Mr. Rosenfeld noted a memo was sent in the Commissioner's packets from the State DEP regarding water pollution control. Jim Stewart explained it to the Commission.

6. **WEO REPORT**

Keith Rosenfeld gave the Commission an update on Gunntown Road Park memo and read it into the record. He noted they will be using the recommendations from the report of Roman Mrzinski of the Southwest Conservation Service. Mary Davis stated she has read the report and there are a lot of things that the town had missed. Mr. Rosenfeld stated he will be talking about the report next week in a meeting he will be in with Jim Stewart, Hank Witkowski, and Fran McMullen.

Keith Rosenfeld stated Mary Davis had asked him to look at A Better Way Auto Sales site and had asked who owned the property. Mr. Rosenfeld stated Brian Lee is still the owner. He said he will ask Steve Macary to determine if the Zoning permit is being followed and Keith will check to see if the cars are being washed on the site.

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- A. Chemtura Corporation
Keith Rosenfeld stated this issue has been settled and all the activities are done and stabilized.
- B. Rubber Avenue, Long Meadow Brook, Spinelli
Keith Rosenfeld reported that the site is stabilized and the erosion controls have been put into place. He will keep this issue open because they are still awaiting the mulch to be placed. Mr. Rosenfeld stated he called Mr. Spinelli today and left a message.
- C. 620 Wooster Street, Howard
Keith Rosenfeld stated a letter had been sent to the Howard's on November 25, 2008 which he read into the record. He noted it has been 1 week since it has been sent and he has not yet heard from them, but he will contact them.

7. **VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Lars Johnson to **APPROVE** November meeting minutes with amendments.

8. **ADMINISTRATIVE BUSINESS**

Mary Davis asked that Westover Hills be put back on the agenda. She noted it has come off and it is ongoing. She asked Keith to contact Rocco Marciano.

9. **ADJOURNMENT**

On a motion by Joseph Bakstis and seconded by Sally MacKenzie the meeting was adjourned at 8:24 PM.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb

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